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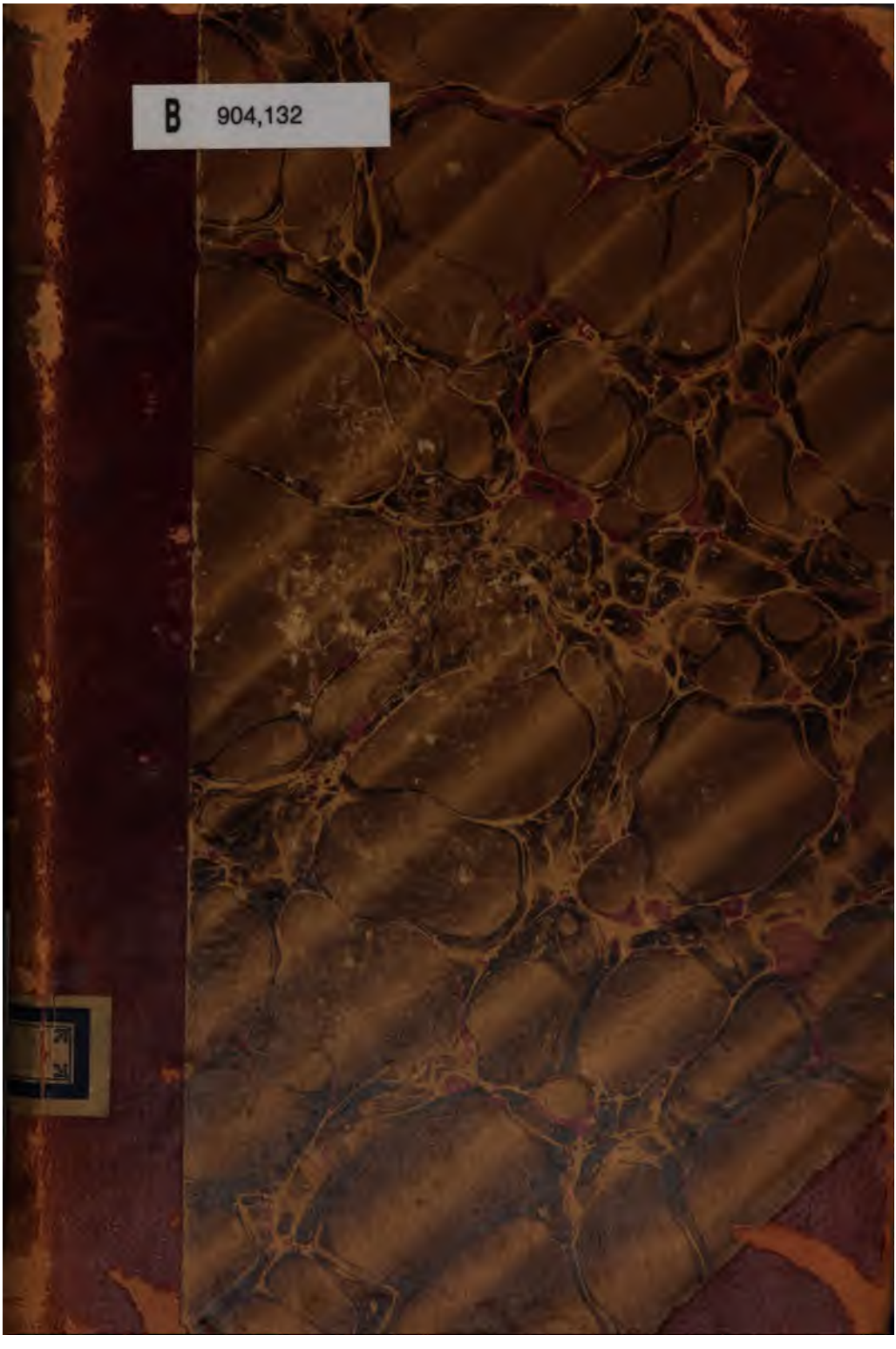

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MEMORIALS OF MILLBANK.

Convicts Embarking at Millbank Stairs en route for the Antipodes *See Vol. II. Chap. 9.*

Griffiths, Arthur George Frederick.

MEMORIALS OF MILLBANK, AND CHAPTERS IN PRISON HISTORY.

By ARTHUR GRIFFITHS,

CAPTAIN, H-P., 63RD REGIMENT, AND DEPUTY GOVERNOR OF MILLBANK PRISON.

With Illustrations by R. Goff and the Author.

IN TWO VOLUMES.

VOL. II.

HENRY S. KING & CO.,

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MEMORIALS OF MILLBANK.

CONVICTS LEAVING THE OLD BAILEY, 1780 (CIRCA).*

CHAPTER I.

TRANSPORTATION.

So the Millbank Penitentiary, the great reformatory and moral hospital, the costly machine in which had been sunk half a million of money, was nothing but a failure after all.

* From Crowle's Pennant's London.

Such was the opinion of official inspectors, and this opinion was endorsed by the Secretary of State. Its great hopes and ambitious aims were therefore at an end: it was all a mistake, a mockery, a sham. After seven-and-twenty years of trial, unwearied efforts, and unlimited expense, there was nothing whatever to show. Even Mr. Nihil had admitted this much a year or two before. When examined by the Lords' Committee he had confessed that "as a means of reformation it had not been productive of as much good as might be anticipated." But at that time the Chaplain-Governor thought that his system had not had a fair and sufficient trial. There must be more separation, and there was,—more and yet more in spite of dark forebodings,—and still it was a failure. All at once, as we have seen in the last volume, it collapsed and came to an end.

But though the system might fail the buildings remained, and these, as we have also said, were now to be utilized, but in another form. Millbank was destined now to become the starting-point of the new method of carrying out transportation. Brought thus into intimate connection with another branch of secondary punishment—one indeed with which it had hitherto competed with varying success, till at length it became distinctly subordinate to it—something more than a passing reference to that other system seems called for in these pages. I propose therefore to recount, as briefly as the subject will permit, our plan of transportation beyond the seas, and all that has come of it. And although I shall be compelled at first to retrace my steps to a date much earlier than that at which my narrative has arrived, I shall by taking up the subject thus late be

enabled to test the actual value of transportation as compared with other methods of secondary punishment.

I have already adverted to the rivalry that existed towards the end of last century between penal colonies and home penitentiaries; and I endeavoured to show how the latter, notwithstanding Howard's pleadings, had been eclipsed in the somewhat sentimental halo that surrounded transportation. No doubt, though based on theory rather than practice, though all its advantages were problematical if not entirely illusory, the principle of transportation was most attractive to statesmen and thinkers. For a long time after their inauguration public opinion ran high in favour of penal establishments beyond the seas. "There was general confidence," says Merivale, "in the favourite theory that the best mode of punishing offenders was that which removed them from the scene of offence and temptation, cut them off by a great gulf of space from all their former connections, and gave them the opportunity of redeeming past crimes by becoming useful members of society." Through whatever mire and discomfort it may have waded, beyond doubt Australia has risen to a rank and importance which entitles it to remember unabashed the origin from which the colony sprang. "It has long since outgrown the taint of its original impurity."* Another writer asserts that "on the whole, as a real system of punishment it (transportation) has failed; as a real system of reform it has failed, as perhaps would every other plan: but as a means of making men outwardly honest; of converting vagabonds most useless in one country, into active citizens in another, and thus giving birth to a new

* Merivale on Colonization.

and splendid country, a grand centre of civilization, it has succeeded to a degree perhaps unparalleled in history." * All this is of course indubitable. But in the process of manufacture, the mother country in fifty years expended eight millions of hard cash, and was nearly as full of criminals as ever.

The early history of New South Wales as told in the pages of Collins reads like a romance. Captain Arthur Phillip, R.N., the first governor, started from Portsmouth in the month of March, 1787, with nine transports and two men-of-war — the "first fleet" of Australian annals. Unlike the *Mayflower*, bearing its Pilgrim Fathers, men of austere piety and worth, to the shores of New England, this first fleet carried convicts, criminals only, and their guards. Some vessels were laden deeply with stores, others with agricultural implements. Before the fleet was out of the channel a plot was discovered among some of these desperate characters to seize the ship they were on board, and escape from the fleet. Nearing the Cape of Good Hope a second similar conspiracy came to light, and all through the voyage offences, such as thefts, assaults, abscondings, attempts to pass counterfeit coin, were numerous, and needed exemplary punishment. After a dreary eight months at sea, broken only by short stays at Teneriffe, Rio, and the Cape of Good Hope, the fleet reached Botany Bay in January, 1788. Never had name been more evidently misapplied. The teeming luxuriant vegetation was all a myth, and on closer inspection the Botanists' Bay proved to be mere barren swamps and sterile sands. The anchorage though extensive was exposed, and in easterly

* Darwin's Voyage of the *Beagle*.

gales torn by a tremendous surf. Before debarking, therefore, Captain Phillip determined to seek along the coast some site more suitable for the settlement. Starting with a select party in a small boat for Broken Bay, he passed *en route* an opening marked upon the chart as Port Jackson, named thus from the look-out man in Cook's ship, who had made it out from the mast head. This is known now as one of the finest and most secure harbours in the world. Here in a cove, where there was deep water for ships of the heaviest burthen close in shore,* the foundations of the new town were to be laid. It was christened Sydney, after the peer of that name who was at that time Secretary of State for the Colonies; and thither a party of convict artificers, guarded by marines, was at once removed to clear land for the intended settlement. When this was accomplished, the remainder of the colonists, 1030 souls in all, were put on shore.

There was plenty of work to be done, and but few hands available. Enlarged clearings were needed; barracks, storehouses, hospitals, dwellings for the superior and other officers, huts for the convicts. Although at the time when the "first fleet" sailed, many thousands of convicts awaiting deportation crowded the various gaols of England, no attempt had been made to select for the new colony those who from their previous condition and training would have been most useful to the young community. Of the six hundred male convicts actually embarked, hardly any were skilled as artizans and mechanics. Nay more, though it was meant that the colony must be if possible self-supporting, and that every effort must be made to raise crops and

* White: Journal of Voyage to New South Wales.

other produce without delay, few, if any, of either the convicts or their keepers had had the least experience in agricultural pursuits. Yet with ordinary care the whole number might have been made up of persons specially qualified, accustomed to work either at trades or in the fields. Nor were there among the sailors of the men-of-war many that could be turned to useful account on shore.

Again, it had been forgotten that if the convicts were to be compelled to work, overseers were indispensable; for laziness is ingrained in the criminal class, and more than change of sky is needed to bring about any lasting change in character and habits. To these retarding causes was soon added wide-spread sickness, the result of long confinement on ship-board, and an unvarying diet of salt provisions. Scurvy, which during the voyage all had escaped, broke out now in epidemic form. Indigenous anti-scorbutics there were next to none, and the disease grew soon to alarming proportions. Many convicts died, and others in great numbers sank under an almost entire prostration of life and energy. On the voyage out there had been forty deaths; now within five months of disembarkation there had been twenty-eight more, while sixty-six were in hospital, and two hundred others were declared by the medical officers to be unfit for duty or work of any kind.

Another difficulty of paramount importance soon stared the whole settlement in the face. So far "the king's store" found all in food; but the supply was not inexhaustible, and might in the long run, by a concurrence of adverse circumstances, be almost emptied, as indeed happened at no remote date. Famine was therefore both possible and probable, unless in the interval the colony

were made capable of catering for its own needs. To accomplish this most desirable end it was necessary to bring ground at once into cultivation, breed stock, and raise crops for home consumption. The first farm was established at Paramatta, fourteen miles from Sydney, and at the same time a detachment under Lieut. King, R.N., of the *Sirius*, was sent to colonize Norfolk Island, a place highly commended by Captain Cook for its genial climate and fertile soil. Here, "notwithstanding the various discouragements arising from droughts, and blighting winds, the depredations of birds, rats, grubs, and thieves to which the settlement was at first exposed, a large extent of ground was gradually cleared and cultivated, and the prospect of raising subsistence for a considerable proportion appeared in every respect more favourable than at Port Jackson."*

At the Head-Quarter Settlement in these earlier years prospects were poor enough. The land being less fertile needed more skill, and this was altogether absent. The convicts knew nothing of farming—how could they?—and there was no one to teach them. One or two instructors expressly sent out were found quite useless. The only person in the colony competent to manage convicts, or give them a practical knowledge of agriculture, was the governor's valet, and he died in 1791. To add to these troubles a lengthened drought afflicted the country during the first year of the settlement, under which the soil, ungenerous before, grew absolutely barren and unproductive. A man less resolute and able than Captain Phillip might well have recoiled at the task before him. The dangers

* Laing's History of New South Wales.

ahead threatened the very existence of his colony. Hostile natives surrounded him, and within the limits of his settlement he had to face imminent starvation, and to cope with the innate lawlessness of a population for the most part idle, ignorant, and vicious. For it soon became plain that to look for the growth of a virtuous community, except at some remote period, from the strange elements gathered together in New South Wales, was but a visionary's dream. England's social sewage was not to be shot down in Botany Bay, to be deodorized or made pure just because the authorities willed it. It was vain to count upon the reformation of these people in the present, or to build up hopes of it in the future. We have seen how their natural propensities displayed themselves on the voyage out. Directly the convicts were landed, these were developed with rapid growth, so that crimes and offences of a serious nature were soon extremely rife. The day on which the governor's commission was read, he had addressed the convicts, exhorting them to behave with propriety, promising to reward the good while he punished heavily all evil doers. Next morning nine of the people absconded. Within a week it was found necessary to try three others for thefts, all of whom were flogged. Before the month was out four more were arraigned charged with a plot to rob the public stores, for which one suffered death, and the others were banished from the settlement.* Yet at that time there was no possible excuse for such a crime. When goaded by hunger and privation in the coming years of scarcity, it was at least intelligible that desperate men should be found ready to dare all risks to win one plenteous meal, though

* Whither? On this point I can find no information.

even then each convict shared to the full as well as the governor himself.* But in the first year the rations were ample, and inherent depravity could alone have tempted these convicts to rob the common store. About this time another convict offender was pardoned on condition that he became the public executioner. Both "cat" and gallows were now kept busy, yet without effect. "Exemplary punishments," says Collins, "seemed about this period to be growing more necessary, stock was often killed, huts and tents broken open, and provisions constantly stolen about the latter end of the week; for among the convicts there were many who knew not how to husband their provisions through the seven days they were intended to serve them, but were known to have consumed the whole at the end of the third or fourth days. One of this description made his week's allowance of flour (8 lbs.) into 18 cakes, which he devoured at one meal. He was soon after taken speechless and senseless, and died the following day at the hospital, a loathsome putrid object." † Here again was felt the want of overseers and superintendents of a class superior to that of the convicts, through whom discipline and interior economy might be maintained and regulated. Naturally those selected felt a tenderness for the shortcomings of their fellows, and it was more than difficult to detect or bring home offences to the guilty. A common crime was absence. Many undeterred by fear of starvation, or savage natives, went off to the woods. One remained there nineteen days, returning to the settlement

* Each man's weekly allowance consisted of 7 lbs. biscuit, 3 lbs. peas, and 6 ozs. butter; 7 lbs. salt beef, or 4 lbs. salt pork.

† Collins, i. p. 32.

at night to lay his hands on food. In some cases the absentees were murdered by natives, and their bodies found sometimes with their heads pounded to jelly, but always mutilated, speared or cut in pieces. There were other crimes quite new, as were the punishments meted out to them. One impostor pretended to have discovered a gold mine; but it was proved that he had fabricated the gold dust he produced from a guinea and a brass buckle, and he was condemned to be flogged and to wear a canvas dress decorated with the letter R, "to distinguish him more particularly from others as a rogue." This same offender being afterwards caught housebreaking, he suffered death, but not before he had betrayed his accomplices—two women who had received the stolen property. One of these was also executed, while of the other a public example was made. In the presence of the assembled convicts the executioner shaved her head, and clothed her in a canvas frock, on which were painted the capitals R.S.G., receiver of stolen goods. "This was done," says Collins; "with the hope that shame might operate, at least with the female part of the prisoners, to the prevention of crime; but a great number of both sexes had been too long acquainted with each other in scenes of disgrace for this kind of punishment to work much reformation among them." Thieving continued on all sides, and the hangman was always busy. Repeated depredations brought one man to the halter, while another for stabbing a woman received seven hundred lashes. Scarcely any of the convicts could be relied upon, yet many, in the scarcity of honest freemen, were appointed to posts of responsibility and trust. Generally they abused the confidence reposed in them. The case is mentioned of one

Bryant, a seafaring west-country man, who was employed to fish for the settlement. Every encouragement was held out to this man to secure his honesty: a hut was built for him and his family, and he was allowed to retain for his own use a portion of every taking. Nevertheless he was detected in a long continued practice of purloining quantities of fish which he sold for his own gain. But he was too useful to be deprived of his employment, and he was still retained as official fisherman, only under a stricter supervision. Even this he eluded, managing a year or two later to make good his escape from the colony, together with his wife, two children, and seven other convicts. Having for some time laid by a store of provisions, and obtaining from a Dutch ship, in the port of Sydney, a compass, quadrant, and chart, together with information to help him in reaching Timor and Batavia, he stole one of the Government boats and made off. Bryant and his two convict companions being well trained in the management of a boat, and having luck upon their side, reached in due course the ports for which they steered. Others were less fortunate in their attempts to escape; like those who tried to walk to China northward through the Australian continent. Nor did much success wait upon the scheme laid at Norfolk Island to overpower their guards, seize the person of the governor, and decamp *en masse*. But though too wild and preposterous a plot to raise serious alarm, the very existence of this serves to prove the treacherous, unreliable character of these felon exiles. Some years later, indeed, in the reign of Governor King, an outbreak somewhat similar, but planned with secrecy and judgment, came actually to a head, and for the moment assumed rather

serious proportions. In this several hundred convicts combined "to strike for their liberty." They had pikes, pistols, and several stands of arms. The insurrection broke out suddenly. Two large bodies marched upon Paramatta, but were closely followed by an officer, Major Johnson, with forty men of the New South Wales Corps, who brought them to an action at Vinegar Hill, and in fifteen minutes dispersed them with great loss.

It is abundantly evident from these and other instances, that the convict population could only be ruled by an iron hand. But I think Governor Phillip would have forgiven them much if they had but been more industrious. Everything hung upon their labour. The colony must continue to be dependent on the mother country for the commonest necessaries of life, until by the work of these felon hands sufficient food was raised to supply subsistence, whenever the public stores should grow empty or come altogether to an end. Yet "the convicts by no means exerted themselves to the utmost; they foolishly conceived that they had no interest in the success of their labours."* Task work had been adopted as the most convenient method of employing them; a certain quantity of ground was allotted to be cleared by a certain number of persons in a given time. The surplus gained was conceded to them to bring in materials and build huts for themselves. But few cared to take advantage of the privilege, preferring to be idle, or to straggle through the woods, or to visit surreptitiously the French war-ships lying in Botany Bay. Indeed, the sum total of their efforts was to do just enough to avoid immediate punishment for idleness. Moreover, as time passed,

* Collins.

the numbers available for work dwindled down, till at the end of the first year, in January, 1789, that is to say, only two hundred and fifty were employed in the cultivation of land. Many were engaged at the wharves and storehouses, but by far the greater portion were utterly incapacitated by age or infirmity for field labour of any description. The evil days that were in store did not long delay their coming. Throughout the latter part of 1789, and the early months of 1790, the colony saw itself reduced to terrible straits for want of food. Relief was daily expected from England, but daily unaccountably delayed. Emptier and more empty grew the king's store. In the month of February, 1790, there remained therein not more than four months provisions for all hands, and this at half rations. To prepare for the worst, the allowance issued was diminished from time to time, till in April, that year, it consisted only of 2 lbs. of pork, 2 lbs. of rice, and 2½ lbs. of flour per head, for seven days. More than ever in the general scarcity were robberies prevalent. Capital punishment became more and more frequent, without exercising any appreciable effect. Garden thefts were the most common. As severe floggings of hundreds of lashes were ineffectual to check this crime, a new penalty was tried, and these garden robbers were chained together in threes, and compelled to work thus ironed. "Any man," said, years and years afterwards, one of these first fleet convicts who had reached affluence and comfort at last—"any man would have committed murder for a month's provisions; I would have committed three for a week's. I was chained seven weeks on my back for being out getting greens and wild herbs." No doubt in those days of dire privation and

famine the sufferings of all were grievous; but the statements of these people must be accepted with the utmost caution, even when divested of half their horrors. The same old convict told Mrs. Chisholm, that he had often dined off pounded grass, or made soup from a native dog. Another old convict declared he had seen six men executed for stealing twenty-one pounds of flour. "For nine months," says a third, "I was on five ounces of flour a day, which when weighed barely came to four. The men were weak," he goes on, "dreadfully weak, for want of food. One man, named 'Gibraltar,' was hanged for stealing a loaf out of the governor's kitchen. He got down the chimney, stole the loaf, had a trial, and was hanged next day at sunrise."

Food, food, all for food! In its imperious needs hunger drove the unprincipled to brave every danger, and the foolish to excess not less terrible. Collins tells a story of a woman who devoured her whole week's allowance in one night, making up a strange compound of cabbage and flour, of which she ate heartily during the day, "but not being satisfied, she rose again in the night and finished the mess," and died. Throughout these trying times, Governor Phillip maintained a firm front. It is told of him, that seeing a dog run by he ordered it to be killed at once,—as a mouth that was useless it could not in these days be entitled to food. Then, to ease the mother settlement, a large number of persons were drafted to Norfolk Island, where, thanks to the presence of numbers of wild birds, supplies were more plentiful. In transit, H.M.S. *Sirius*—the only ship left in the colony—was wrecked in full view of the settlement.

Relief came at length, but in driblets. At the time

of greatest need, more mouths arrived instead of more barrels of pork and flour. In February, as I have said, there were but four months' provisions in the stores; yet on the 3rd of June, two hundred and twenty-two women arrived—"a cargo," says the chronicler "unnecessary and unprofitable;" while H.M.S. *Guardian*, which came as convoy and carried all the stores, was lost at sea.

Another store ship, the *Justinian*, happily turned up about the 20th of June, and later in this month, eleven sail, composing the "second fleet," came into port. In this second fleet the arrangements made were about as good as in slave ships from the Guinea Coast. The mortality on the voyage out had been absolutely frightful. One thousand six hundred and ninety-five male convicts, and sixty-eight females were the numbers embarked, and of these one hundred and ninety-four males and four females had died at sea; while "such was the state of debility in which the survivors landed in the colony, that one hundred and sixteen of their number died in the Colonial Hospital before the 5th December, 1791."* It seemed that the masters of transports were paid head-money for each convict embarked,—a lump sum of £17 9*s.* 6*d.* each. The more therefore that died, and the sooner, the less food was consumed, and the greater the consequent profit. Even to the living, the rations were so much reduced below the allowance stipulated for by the governor, that many convicts were actually starved to death. In most of the ships very few were allowed to be on deck at the same time. Crowded thus together continually in a fœtid atmosphere below, many peculiar diseases were rapidly engendered among them.

* Laing.

Numbers died in irons; and "what added to the horror of such a circumstance was that their deaths were concealed, for the purpose of sharing their allowance of provisions, until chance and the offensiveness of a corpse directed the surgeon, or some one who had authority in the ship, to the spot where it lay." In one of the ships a malignant fever had prevailed during the latter part of the voyage, under which the captain, with his first and second officers, had succumbed; while in another, the usual plot to take the ship was discovered, and had to be checked with severe repressive measures, which increased the tribulation of these hapless wretches. Colonel Collins gives but a sorry picture of the condition in which these ill-fated exiles of the second fleet arrived at New South Wales.

"By noon," he says, "the following day the two hundred sick had been landed from the different transports. The west side afforded a scene truly distressing and miserable: upwards of thirty tents were pitched in front of the hospital, the portable one not yet being put up, all of which, as well as the hospital and the adjoining huts, were filled with people, many of whom were labouring under the complicated diseases of scurvy and dysentery, and others in the last stages of either of those terrible disorders, or yielding to the attacks of an infectious fever. The appearance of those who did not require medical assistance was lean and emaciated. Several of these people died in the boats as they were rowing on shore, or on the wharf as they were lifted out of the boats; both the living and the dead exhibiting more horrid spectacles than had ever been witnessed in this country. All this was to be attributed to confinement of the worst species, confinement in a small

space and in irons—not put on singly, but many of them chained together."*

The years immediately subsequent to these, chronicled but a repetition of what had already occurred. The colony saw itself again and again brought to the lowest ebb; when in the last stage starvation stared it in the face there came more convicts and more salt meat. All through, the health of the inhabitants continued indifferent, in spite of the natural salubrity of the climate. To the voyage out this was partly due; also to the diet, insufficient and always salt; and not a little to the gloomy out-look for all concerned in this far-off miserable settlement. Yet, through all vicissitudes, the governors who in turn assumed the reins bore up bravely, and governed with admirable energy and pluck. They were all—at least for the first twenty years—captains of the Royal Navy, trained in a rough school, but eminently practical men. Their policy was much the same. They had to bring land into cultivation, develop the resources of the colony, coerce the ill-conditioned, and lend a helping hand to any that gave earnest of a reform in character.

It will be seen that so far the colony of New South Wales consisted entirely of two classes, the convicts and their masters. In other words, it was a slave settlement—officials on the one hand as taskmasters; on the other, criminals as bondsmen who had forfeited their independence, and were bound to labour without wages for the State. The work to be done in these early days was essentially of a public character. It was for the common good that food should be raised, storehouses erected; the whole body of

* Collins: Account of New South Wales.

the population benefited too by the hospitals, while the building of barracks to house the guardians of order was also an advantage to all. But such preliminary and pioneer works fairly started, the next step towards a healthy and vigorous life for the colony was the establishment therein of a respectable middle class—a body of virtuous and industrious settlers to stand between the supreme power and the serfs it ruled. People of this kind were wanted to give strength and stability to the settlement, to set an example of decorum, and by their enterprising industry to assist in the development of the country. But they must come from England; they were not to be looked for "among discharged soldiers, shipwrecked seamen, and quandam convicts." Governor Phillip at once admitted this, and from the first strongly urged the home Government to encourage free emigration by every means. The distance from England was, however, too great to entice many across the seas, and the passages out would have swallowed up half the capital of most intending settlers. Several free families were therefore sent out in 1796 at the public expense, receiving each of them a grant of land on arrival and free rations for the first ensuing eighteen months.

But this assisted emigration was carried out in a very half-hearted, incomplete fashion, so much so that for a long time—till years after the peace of 1815—"a large proportion of the free settlers are described as of a low character, not very superior to that of the convicts."* Their numbers were very small, being recruited indeed from the three sources above mentioned—the soldiers, the

* Heath: Paper on Secondary Punishments.

sailors, and the convicts themselves. Naturally, as time passed and sentences lapsed, the last mentioned supplied a very numerous class. Every effort was made to give them a fair start on the new road they were expected to follow. They received grants of land, varying from ten to sixty acres, with additional slices for children or wife. Pigs, too, seed-corn, implements, rations, and clothing were served out to each from the King's store; and, thus provided for, straightforward industry would soon have earned for them an honest competence. But in comparatively few instances did these convict settlers thrive. They formed a body of small proprietors of the worst class, ruining their land by bad farming, and making those still convicts far worse by the example they set of dissoluteness and dissipation.

Society now, and for years to come, presented a curious spectacle. Its most prominent features were its drunkenness and its immorality. The whole community might be classed into those who sold spirits and those who drank them. Everything went in drink. "The crops," says Collins, "were no sooner gathered in than they were instantly disposed of for spirits." Any hope of raising the general tone of society was out of the question so long as this unbounded intemperance prevailed. Besides this, there was neither marrying nor giving in marriage. In Governor Bligh's time two-thirds of the births were illegitimate. Bands of robbers, the first bushrangers, infested the country, levying black mail, and entering the homes of the defenceless settlers in open day, committed the most fearful atrocities.

This general recklessness and immorality was fostered

by the monopoly of sale possessed by the officers of the New South Wales Corps. These gentlemen, who came out in 1792 as officers of this local regiment, were for very many years a thorn in the side of the constituted authorities. Bound together by *esprit de corps* and unity of interests, they were constantly at war with the governor, and generally successful. Everything was made subservient to them. They had become by degrees engaged in commercial operations, and in time they alone had permission to purchase all cargoes of merchandize that came into port. These goods they retailed at an enormous profit, so that the small farmers were nearly ruined by the prices they had to pay for such necessaries as they required. "Hence," as Laing says, "they (these small farmers) lost all hope of bettering their circumstances by honest industry, and were led into unbounded dissipation." The figure cut by officers who wore the king's uniform in thus descending to traffic and peddle is not over dignified. Nor were they always over scrupulous in their dealings. As my narrative is concerned rather with the convict element and the vicissitudes of transportation than with the general history of the colony, it would be beyond my scope to enlarge upon the well-known "rebellion," in which this New South Wales Corps played the prominent part. In a few words, this amounted to the forcible ejectment from office of the king's representative, Governor Bligh, by those who were themselves the guardians of the king's peace. It would be tedious to argue here the two sides of the question; but, even allowing that both sides were to blame, it seems clear that the rebellious troops were most in the wrong. Eventually this New South Wales Corps ceased to exist as such,

and becoming a numbered regiment, the 102nd of the line, was removed from the colony.

Meanwhile the convicts continued to pour in. Between 1795 and 1801, 2833 arrived; from 1801 to 1811, 2398. In the years that had elapsed since the first and second fleets attempts had been made to improve the arrangements for sending them out. As soon as the hulks at home were full, and the convicts began to accumulate, vessels were chartered for New South Wales. Each carried 200 with a guard of 30 soldiers. The men selected for transportation were always under fifty, and were taken from those sentenced to "life" or fourteen years. When these were found insufficient to provide the necessary draft, the numbers were made up from the seven years' men, and of these the most unruly were chosen, or those convicted of the more atrocious crimes. The females were sent indiscriminately, the only provision being that they were under fifty years of age. Lists accompanied them out in all cases. These lists were deficient in all useful information—without particulars of crimes, trades, or previous characters; points on which information had to be obtained from the convicts themselves. The transport ships were supposed to be well found in all respects: clothes, medicines, and provisions for the voyage and for nine months afterwards were put on board at the public expense. The owner supplied a surgeon, and the admiralty laid down precise instructions for his guidance. The master, too, was bound over to be careful of his living cargo. On arrival his log-book was submitted for inspection, and the governor of New South Wales empowered to reward him with a special gratuity on the one hand, or on the other to mulct and

prosecute him, according to his behaviour on the voyage out.* On arrival at Sydney the convicts were disposed of, either as servants to settlers or retained in government hands. We have here the system of assignment, though still quite in embryo as yet. While settlers of any wealth were few there was little demand for convict labourers, except as simple servants; though in the case of some of the leading officials, who had already considerable grants of land under cultivation, as many as forty were, even in these early days, assigned to the same master.

The great mass of the convicts were therefore retained by the Government. They were fed, clothed, and lodged by Government, and organized in gangs. Each gang was under an overseer—an old convict—who was certain to err either on the side of culpable leniency towards his charge, or of brutal cruelty. Stories are told of an overseer who killed three men at the saw-mill in a fortnight from overwork. "We used to be taken in large parties," says the same old hand that I mentioned before, "to raise a tree. When the body of the tree was raised, old ——— (the overseer) would call some of the men away, then more. The men were bent double, they could not bear the weight—they fell, and on them the tree, killing one or two on the spot. 'Take them away: put them in the ground.' There was no more about it." Another overseer was described as "the biggest villain that ever lived. He delighted in torment, and used to walk up and down rubbing his hands when the blood ran. When he walked out the flogger walked behind him. He died a miserable death: maggots ate him

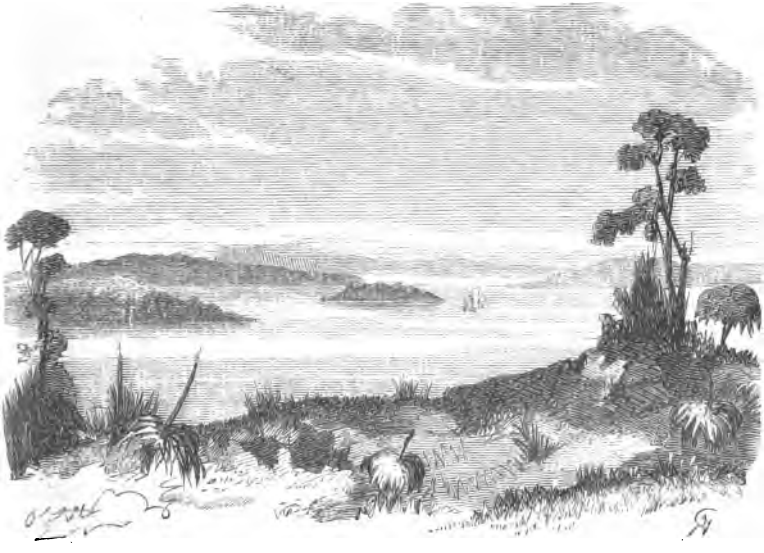
* See chapter ix. of this volume, where these arrangements are more fully detailed.

up. Not a man could be found to bury him." A third overseer was sent to bury a man who, though weak and almost insensible, was not dead. "For God's sake," cried the poor wretch, "don't cover me up. I'm not dead." "You will be before the night," replied the overseer. "Cover him up," (with an oath), "or we shall have to come back again to do the work a second time." On the other hand, it was known that overseers connived at irregularities of every description. The men were allowed to work as little as they pleased; many altogether left their parties to rob, and returned at nightfall to share their plunder with the overseers. Naturally the work accomplished for the public service did not amount to much. The hours of labour were from 6 A.M. to 3 P.M., after which the rest of the day belonged to the convict to be spent in amusement or labour profitable to himself. Even in these days the punishment of transportation fell most unequally on different men. While the commoner classes of offenders were consigned to the gangs or drafted off to be the slaves of the low-bred settler, persons who had held a higher station in life, or who had been transported for what came to be called "genteel crimes," forgery, that is to say, embezzlement, and the like, were granted tickets-of-leave at once, which exempted them from all compulsory labour and allowed them to provide for themselves. To them the only hardship entailed on them by their crimes was the enforced exile. These were the first of a class afterwards styled "specials," or gentlemen convicts, who were a fruitful source of annoyance to all Australian officials.

I have endeavoured to sketch thus briefly the manner in which the settlement of this, the first purely penal colony,

was carried out, and to describe how it prospered in its early years. So far we have had to deal only with the difficulties encountered by the young colony and the steps taken to combat them. It is too soon yet to speak of the consequences that were entailed by forming a new settlement thus from the dregs of society. I will only state in general terms what was the actual state of affairs. A governor at the top of all, with full powers nominally, but not nearly autocratic; next to him, as the aristocracy, a band of officials not always obedient, sometimes openly insubordinate, consistent only in pushing forward their own fortunes. Between these and the general body of the colonists a great gulf; the nearest placed next to the aristocracy being the settlers — passing through several gradations—from the better class, few in number, to the pensioner or convict newly set free; at the very bottom, the slave or serf population—the convicts still in bondage.

This was the first stage in the colony's existence. With the breaking up of the power of the New South Wales Corps and the appointment of Governor Macquarie a new era opened, and to this I shall devote the next chapter.



NORTH AND SOUTH HEADS IN PORT JACKSON.

CHAPTER II.

TRANSPORTATION (*Continued*).

THE peculiar condition of the colony now was the presence therein of a quantity of convict labour, growing larger also from day to day as vessels with their cargoes arrived, for which there was no natural demand. When General Macquarie assumed the government the influx of male convicts had been so great in the five years preceding 1809, that the free settlers were unable to find employment for more than an eighth of the total number, though the labour was to be had for the asking, and cost nothing but the price of raising

the food the convicts consumed. In point of fact, the free settlers were still too few and their operations too limited. Seven-eighths of the whole supply remaining on hand, it became necessary for the governor to devise artificial outlets. He was anxious, as he tells Earl Bathurst, "to employ this large surplus of men in some useful manner, so that their labour might in some degree cover the expense of their feeding and clothing." The measures by which he endeavoured to compass this end I shall proceed immediately to describe.

There is a stage in the youthful life of every colony when the possession of an abundant and cheap supply of labour is of vital importance to its progress. Settlers in these early days are neither numerous enough nor wealthy enough to undertake for themselves the works for reclaiming land, for establishing harbours and internal communications on a scale sufficiently wide to insure the due development of the young country. At such an epoch a plentiful supply of convict labour poured in at the cost of the Home Government is certain to be highly valuable. Merivale points out how some such timely assistance to British Columbia in recent years would have given an enormous impetus to the development of those provinces. It would be premature to discuss, at this period of my narrative, the question whether the advantages gained would outweigh the positive evils of a recurrence to transportation on any grand scale. Some of these evils might disappear if the system were carried out with all the safeguards and precautions that our lengthened experience would supply. But the main objection—the excessive costliness of the scheme—would remain, and it is I think extremely doubtful whether the temper of

the nation is such as to encourage its statesmen to saddle the exchequer with an immediate heavy outlay in order that in the remote future another jewel might be added to her colonial crown.

This stage had New South Wales now reached, and the governor, finding himself amply supplied with the labour so urgently needed, bent all his energies to bringing forward the latent resources of the colony. His reign began at a period of great scarcity. Repeated inundations on the Hawkesbury had entailed disastrous losses on the whole community. He decided, therefore, to form new townships at points beyond the reach of the floods, and to open up to them and throughout the province those means of communication which are so essential to the progress of a new country. Upon the construction of these roads he concentrated all his energies and all the means at his disposal. Not much skilled labour was needed, yet the work was punitive and was also beneficial to the whole public. No better employment could have been devised for the convicts. Under his directions, towns before disconnected were joined by means of excellent highways, while other good roads were driven through wild regions hitherto unsettled if not altogether unexplored. The greatest exploit of that period was the construction of the road across the Blue Mountains to Bathurst, the whole length of which was 276 miles; and there were, besides, good wooden bridges at all necessary points. Beyond doubt, to these facilities of intercommunication is to be attributed the early advance of the colony in wealth and prosperity.

But Governor Macquarie's other undertakings, though well intentioned, were not equally well designed either for

the improvement of the colony or the amelioration of its people. No doubt his was a difficult task, his course hard to steer. He had means almost unlimited, a glut of labour, and behind him were the open purse-strings of the mother-country. How was he to make the most of his advantages? This labour of which his hands were full, came from a mass of convicts, each one of whom represented already a considerable charge on the imperial funds. It had been expensive to transport him; now he was costly to keep. Could he not be made in some measure to recoup the treasury for the outlay he occasioned? It was obvious that he should, if possible, contribute to his own support. Yet Governor Macquarie, in spite of his promises, aimed at nothing of the kind. His chief object—next after making roads—was to embellish the principal towns of the colony with important public works—works for the most part unnecessary, and hardly in keeping with the status of the young settlement. Roads were urgently needed; but not guildhalls, vast hospitals, spacious quays, churches, schools, houses and public offices. In these earlier years, buildings of more modest dimensions might well have sufficed for all needs. But under the Macquarie *régime* Sydney sprang from a mere shanty town into a magnificent city. It was almost entirely reconstructed on a new plan, the lines of which are retained to this day. The convict huts gave place to prisoner's barracks, the mean dwellings of the settlers to streets of imposing houses. The whole external aspect of Sydney and Paramatta was changed. In all the new public buildings numbered more than 250, and the list of them fills ten closely printed pages of a parliamentary report.

Yet all this expenditure was not only wasteful and at the

time unnecessary, but its direct tendency was to demoralize the population. The labourers required for works of such importance were of course collected together upon the scene of operations. In other words, crowds of convict artizans were congregated in the towns, and countenanced each other in vice. Many of the works were carried out by contract, the contractors employing convict hands, bond or free, still serving or emancipated; and in both cases they paid wages half in cash, and half in property, which consisted of groceries and ardent spirits. This was the truck system neither more nor less, which the contractors made still more profitable to themselves by establishing public-houses close to their works, at which the cash half of the wages soon returned to them in exchange for the drink supplied. Naturally vice and immorality grew apace. The condition of the towns was awful, and the low pleasures in which they abounded attracted to them many people who might have otherwise been contented to live quietly upon their grants of land. But the choice between congenial society with plenty of drink, and the far-off clearing with honest labour for its only joy, was soon made in favour of the former, and every one who could, flocked into the towns. The governor had indeed tried hard to form an agricultural population. With this object he had conceded larger grants than his predecessors, in the hopes that convicts emancipated would settle upon them and reform. It was thought that "the hope of possessing property, and of improving their condition and that of their families, afforded the strongest stimulus to their industry, and the best security for their good conduct." But these advantages were remote, and gave way at once before the present certainty of being

able to barter away the land they got for nothing, in exchange for ten or fifteen gallons of rum. If this plan of manufacturing industrious small proprietors out of the recently emancipated convicts was meant to answer, the grant of land should have been made conditional on actual residence thereon, and accompanied by tangible results gained by actual labour done, which must be shown before the acres were finally conveyed. Now it was proved that many of Governor Macquarie's grantees never took possession of their land at all: the order for thirty acres was changed at once for the much coveted means of dissipation. Hence, though towns grew fast in beauty and importance, the forest lands or wild tracts in the interior remained unsettled; and the crowds of ex-criminals which might, by judicious treatment, have turned into virtuous bucolics, rapidly degenerated into a mass of drunken dissipated idlers.

These were indeed fine times for the convicts. There was labour for all, remunerative, and not too severe; liquor was cheap, and above all the governor was their friend. It would be, however, more than unfair to charge General Macquarie with any but the best motives in his tenderness for the convict class. He conceived that the unfortunate people who composed it were the especial objects for his solicitude. To promote their reform, and to bring them to that prosperity which should make this reform something more than mere idle profession—these, as he thought, were among the first of his duties as the governor of a penal colony. In his prosecution of these views he did not halt half way. The manner in which he favoured and encouraged the emancipists came to be a by-word. It was said in the colony that the surest claim on Governor Macquarie's confidence

and favour was that of having once worn the badge of a convicted felon.* Very early in his reign he made it clear that his policy would be this. The year after his arrival he advanced one ex-convict to the dignity of a justice of the peace; another was made his private medical adviser; and both, with many others, were admitted to his table at Government House. Nor were the recipients of these favours always the most deserving among their fellows for the honours showered upon them. It was taken for granted that the possession of considerable wealth was proof positive of respectability regained; yet in the case of Governor Macquarie's emancipist magistrate, it was notorious that he had become rich by methods of which honest men would hardly be proud. Transported as a lad for rick burning, after serving his time in the colony he had been a shop keeper, a constable, and last a publican; in which line, by means of liberal credit, he had soon amassed a fortune. His case was only one of many in which ex-convicts had grown rich, chiefly by preying on their still more unfortunate comrades, taking mortgages on grants as payment for long arrears of accounts for groceries and drink, and by-and-by seizing all the land.†

Then, in many instances, members of the convict class were by far the shrewdest and best educated in the whole community. Settlers of the better class were few in number, so the sharp rogues had it all their own way. They had capital moreover. Several brought money with them to the colony, the fruit of their villanies, or their

* Bigge's Report.

† No more emancipists made magistrates after 1824. Parl. Com. 1837: evidence of Sir F. Forbes.

wives followed them with considerable sums acquired in similar fashion. For these men, especially if they had held fairly good positions at home, transportation was almost a farce. It merely meant removal at the public expense to a land, remote certainly, but in which they were little less comfortable than at home, and where they had moreover exceptional facilities for making money fast, and they had it all to themselves. Governor Macquarie discouraged free emigration. He did not want to see settlers. He looked upon them as out of place, nay more, as a positive encumbrance to the colony. New South Wales was a settlement, he said, made by convicts for convicts—"meant for their reformation; and free people had no right to come to it." So he continued to pat his favourites on the back: gave them land, and more land; as many assigned servants—their former partners possibly in many a guilty scheme—as they wished; and last not least, provided a market for the very crops he had assisted them (by convict labour) to raise. It was not strange then that with a yearly influx of thousands of new hands, and the rapid upward advance of all who were ordinarily steady and industrious, the emancipists should come as a class to gain strength far in excess of their deserts, and sufficient from their numbers to swamp all other classes in the community.

There was frequent heartburning in New South Wales during the reign of Governor Macquarie on account of his overstrained partiality. The discontent was heightened by his plainly spoken desire to force his own views down the throats of those nearest him in the social scale: not satisfied with openly countenancing them himself, he insisted that

the officers of regiments should receive them as guests at mess. Bigge says on this point, "The influence of the governor's example should be limited to those occasions alone when his notice of the emancipated convicts cannot give offence to the feelings of others, or to persons whose objections to associate with them are known. The introduction of them on public occasions should, in my opinion, be discontinued. And when it is known that they have been so far noticed by the Governor of New South Wales as to be admitted to his private table and society, the benefit of the governor's example may be expected to operate; and it will also be exempt from the fatal suspicion of any exercise of his authority."* Again, when Mr. Bent, Judge of the Supreme Court, refused to allow certain attorneys, ex-convicts but now free, to practise as solicitors, the governor complained to the Home Government that this judge was "interfering unwarrantably with a salutary principle which he (the governor) had been endeavouring to establish for the reformation of the convicts." Now at this very time an act was in force which deprived all persons convicted of perjury or forgery from ever again practising in the courts at home, and Judge Bent in refusing to administer the oaths to these emancipist attorneys was but carrying out the law; yet on the governor's representation he was removed from the bench.

There were other cases not less plainly marked. As a natural consequence, the antagonism was deepened between the two classes which were so widely distinct—the virtuous pharisees, that is to say, and the thriving publicans. The former despised all who had come out

* Commission to inquire into the state of New South Wales.

"at their country's expense;" and the latter hated the settlers, as people of a lower class not seldom hate social superiors to whose "platform" they are forbidden to hope to rise. Eventually, as we shall see, after a long protracted warfare and varying successes, the free population gained the day; but not till the lapse of years had strengthened their numbers out of all proportion to their antagonists, and given them the preponderance they at first lacked.

The struggles between the two classes fill up the whole of the annals of the next years of the colony.

All said, however, it cannot be denied that under the administration of General Macquarie the colony prospered. The population was nearly trebled between 1809 and 1821, and there was a corresponding increase in trade and in the public revenue. Just before this governor left the colony it contained 38,788 souls; there were 102,929 horned cattle, 290,158 sheep, 33,000 hogs, and 4,500 horses; and 32,267 acres had been brought under cultivation. The moral tone of the community, too, was slightly raised; marriage had been encouraged in place of an indifferent and disreputable mode of life which till then had been largely prevalent. "In externals, at least," says Laing, "the colony itself assumed quite a different aspect under his energetic and vigorous management from what it had previously worn."

Speaking of his own administration and his efforts to elevate the convict population in the scale of society, Governor Macquarie said for himself, as against his detractors, "Even my work of charity, as it appeared to me sound policy, in endeavouring to restore emancipated and reformed convicts to a level with their fellow-subjects—a

work which, considered in a religious or a political point of view, I shall ever value as the most meritorious part of my administration—has not escaped their animadversions."

And yet, however praiseworthy his efforts, they were misdirected; and beyond doubt in his desire to discourage the influx of free people he committed a fatal error. It was his wish, of course, to further the development of the colony; but he could not do this half so satisfactorily by the establishment of penal agricultural settlements, as could substantial emigrants working with capital behind them for their own profit. Moreover, these agricultural settlements started by Governor Macquarie cost a great deal of money. Again, the free classes of the community would not have found themselves for a long time outnumbered had not immigration been systematically discouraged. The formation of an independent respectable society, armed with weight and influence, was, as I have said, much needed in the colony. In this respect General Macquarie had departed from the policy of his predecessors. Captain Phillip was eager enough, as we have seen, to attract settlers, and had his recommendations been presistently followed the colony would have found itself the sooner able to raise grain enough for its own consumption.

Sir Thomas Brisbane, on the other hand, who came after Governor Macquarie, recognized the full importance of the principle, and his reign is memorable as marking the period when settlers first flocked in any considerable numbers to the colony. But it was no longer the humbler classes who came. None of these did the governor want, but persons who were well-to-do, who could take up larger grants and find plenty of employment for the rapidly in-

creasing convict population. Sir Thomas Brisbane held out every inducement to attract such persons. At this period, thanks to the unceasing arrival of new drafts, the number of felon exiles on charge continued to form a serious item in the colonial expenditure. To get quit of all or any the governor was only too glad to offer almost any terms. The grants of land were raised from 500 to 2000 acres, which any one of moderate respectability might secure, provided only he would promise to employ twenty convicts; rations also were to be given from the king's store for self and servants for the first six months, and a loan of cattle from the government herds. The new comers therefore were mostly gentlemen farmers, younger sons of land-owners, or commercial men who had saved something from a general crash in business. Most of these people were sufficiently alive to their own advantage to realize the advantages now held out to them. Land for nothing, food and stock till the first difficulties of settlement were overcome—these were baits that many were ready enough to swallow. Labour, convict labour, was provided also by the same kind hands that gave the land.

For some years this more than parental encouragement continued, till at length the influx of settlers came to be thoroughly felt. The labour that was so lately a drug, was now so eagerly sought that the demand grew greater than the supply. The governor was unable to comply with all the requisitions for servants made by the land grantees. This at once brought about the abandonment of the agricultural penal settlements established by General Macquarie. Their success had always been doubtful: although land to a considerable extent had been cleared,

timber felled, buildings erected, and farming attempted, no great results had ever been obtained. Indeed now, when the land which had thus been occupied was again resumed, it was found to have been little benefited. One by one they were broken up. They were costly and unproductive. On the other hand, the settlers, old and newly arrived, were clamorous for the hands thus wastefully employed. "So steadily," says Laing, "did the demand for convict labour increase on the part of the free settlers that, during the government of Lieutenant-General Darling, there were at one time applications for no fewer than 2000 convicts lying unsatisfied in the office of the principal superintendent of convicts."

We have now really arrived at the second stage in the history of transportation. Although from the first origin of the settlement convict servants were readily provided for any master who might ask for them, the applications, as I have said, were few and far between, amounting in 1809 to an eighth only of the total numbers available, and requiring, as late as 1821, to be accompanied by the bait of distinct and tangible bribes. But now had dawned the days of "assignment" proper, the days of wholesale slavery, where private persons relieved the State of the charge of its criminals, and pretended to act, for the time being, as gaolers, taskmasters, and chaplains, in return for the labour supplied at so cheap a rate. How far the persons thus called upon to exercise such peculiar functions were entitled to the confidence reposed in them was never in question till the last few years. Emancipists got their convicts too, and of course among the settlers many were quite unsuited for so serious a charge.

The failure of assignment as a method of penal discipline will be seen later on, when its great inherent evils had had time to display themselves. At first the chief fault was over-leniency—so much so that General Darling came out as governor charged with orders to subject the convicts to more rigorous treatment. Dr. Laing, in his "History of New South Wales," is of opinion that, about this date, much unnecessary severity was noticeable in the carrying out of the sentence of transportation. He states that convicts were now treated by the subordinate agents, who saw that severity was the order of the day, "with a reckless indifference to their feelings as men which their situation as criminals could never have warranted."

Nevertheless it must be confessed that the condition of convicts could not be irksome when soldiers envied it, and committed crimes on purpose to become felons too. This was proved in the case of certain soldiers who had turned thieves in Sydney simply that they might be sentenced to transportation. They were caught, convicted, and sentenced to seven years at Moreton Bay or Norfolk Island. Had their story ended here the bare record of it might suffice, but it so happened that very serious consequences ensued, and these I cannot refrain from recounting. As it came out quite clearly upon their trial what had been the object and design of their theft, Governor Darling resolved that they should be treated with extra rigour, "it being an intolerable and dangerous idea that the situation of a soldier was worse than that of a convict or transported felon." The seven years at a penal settlement was therefore commuted to seven years hard labour in chains on the roads of the

colony. The intention of this change was doubtless that their old comrades should sometimes see them as they were marched to and fro; but besides this, it was ordered that at the end of their sentence they should return to their regiments. Therefore, after the proceedings of the trial had been promulgated, the prisoners were publicly stripped of their uniforms, iron collars with spikes projecting were placed around their necks, from which iron chains hung and were fastened to basils on their legs. Thus arrayed they were drummed out of their regiment (the 57th) to the tune of the Rogues' March. Under the horrors of this punishment one man, Sudds, immediately sank, and died the following day. The survivor then made a statement to the effect that Sudds complained bitterly of his chains. The projections on the collar prevented the prisoners from stretching at full length when lying on their backs. They could not lie at full length without contracting their legs, nor could they stand upright. The collar was too tight for Sudds' neck, and the basils too tight for the other's legs.

In reporting this whole case to the Secretary of State, Governor Darling says, "However much the event is to be regretted, it cannot be imputed to severity; none was practised or intended. . . . With respect to the chains which are designated instruments of torture, it will be sufficient to state that they weigh only 13 lbs. 12 ozs.; and though made with a view of producing an effect on those who were to witness the ceremony, the extreme lightness of their construction prevented them from being injurious in any respect to the individual." On the other hand, Laing says the irons usually made for the road gangs in the colony did not weigh more than from 6 to 9 lbs.; while

those brought out for convicts on board prison ships from England weighed only from 3½ to 4 lbs.

Following all this came vituperative attacks in the press. Papers inspired by the Government defended General Darling, and the fight was long and bitter. One result was the passing of several Acts known as "Gagging Acts," intended to check the virulent abuse perpetually aimed at the Government, but they failed to have the desired effect. Governor Darling grew more and more unpopular, and on leaving the colony he was threatened with impeachment. A Parliamentary commission did, eventually, inquire into his administration, and completely exonerated him from all charges.

Speaking of the trial and sentence of these soldiers, Laing observes—"It would be unjust to consider Sir Ralph Darling's sentence by the light of public opinion in England. He was governor of a colony in which more than half the community were slaves and criminals; he had to arrest and punish the progress of a dangerous crime; but he fell into the error of exercising by *ex post facto* decree, as the representative of the sovereign, powers which no sovereign has exercised since the time of Henry VIII., and violated one of the cardinal principles of the British Constitution by rejudging and aggravating the punishment of men who had been already judged. At the present day it is only as an historical landmark that attention can be called to this transaction, which can never be repeated in British dominions."* It is more than probable that, as a military officer of rank, he was doubly disposed to reprobate the offence recorded. All his soldierly instincts

* Laing: History of New South Wales, vol. ii. p. 82.

were doubtless hurt to the quick by the notion that the private men of an honourable profession preferred an ignominious sentence to service with the colours of their corps. From this came his uncompromising attitude, and the seemingly unjustifiable violence of his measures.

But except in this one instance, Sir Ralph Darling proved himself an efficient administrator. His sympathies were certainly with the "exclusionists" as against the "emancipists;" and therefore by the latter and their organs he was persistently misrepresented and abused. But he was distinctly useful in his generation. A most industrious public officer, he spared himself neither time nor trouble. Every matter, however unimportant, received his closest personal consideration. He may have made mistakes, but never through omission or neglect; besides which, he introduced order and regularity in the working of the State machine. Method followed disorganization; ease and freedom, where before had been friction and clogging interference between its several parts. One of his earliest acts had been to regulate the system of granting land, which under the previous administration had fallen into some confusion. It was he who established a Land Board, and who ruled that grants were to be made to people only according to their means of improving the acres they got, and not as heretofore, simply in answer to mere application.

In these and other useful labours the lead he gave was consistently followed by his immediate successor, Sir Richard Bourke, who came to the colony in December, 1831. Although by the extension of the colony the personal character of the governor was no longer of such paramount

importance as in earlier days, the arrival of an efficient administrator was a distinct benefit to the whole settlement. Sir Richard Bourke was unquestionably a man of character and vigour. The measures he introduced were all salutary. Not only did he encourage free immigration, but he made fresh laws for the distribution and coercion of the convict population. His regulations for assignment—to which I shall refer directly—were wisely planned; and the reforms he introduced in the constitution of the courts of justice were as sensible as they were necessary. He had found that the decisions of local magistrates in the cases of the misconduct of convict servants were extremely unequal: some were ludicrously lenient, others out of all proportion severe. He thought it advisable to establish some uniform system by which magistrates should be guided in the infliction of summary punishments; and he passed, therefore, an Act known henceforth as the "Fifty Lashes Act." This substituted fifty lashes for the first offence cognizable in a summary way, in lieu of one hundred and fifty; and made the powers of a single magistrate somewhat less than those of a bench of two or more. At the same time it was ruled that a "cat" of uniform pattern should be used in every district. "Each bench had before superintended, or left to its inferior officers, the construction of its own scourges, which varied according to accident or caprice; nor could it ever be ascertained by the mere number of lashes ordered what degree of pain the culprit was likely to have suffered." This restriction of their power was not palatable to all the magistrates, and petitions were presented to His Excellency, protesting against his new Act. They urged that now their authority was utterly derided.

"Such a feeling," says Sir Richard, commenting on their petition, "is not to be considered extraordinary, as it requires much judgment and moderation to overcome the instinctive love of power. . . . The magistrates who felt the diminution of their power as a grievance may perhaps have been excited to expressions of complaint by the annoyance to which, in their character of settlers, they are exposed from the misconduct of their assigned servants. They do not perhaps consider that the natural dislike to compulsory labour, which is part of human nature, and has existed and ever will exist under every form or mode of government, must offer great difficulties to those who seek to carry on their business by such means. Severity carried beyond a certain point, especially towards men of violent and turbulent feelings, will only tend to inflame this indisposition to labour with more dangerous acts of desperation and revenge." However, to give the petitioners no just cause for complaint, he instituted a formal inquiry into "those circumstances connected with the discipline of the prison population which formed the subject of the petitions." Reports were called for from the police of the several districts. From them it was clearly apparent that fifty lashes with the new cat were quite enough for any one, provided they were properly administered. "The sufficiency of the law and of the instrument of corporal punishment, in all cases where proper superintendence is exercised, being thus established on unexceptionable evidence," His Excellency considered it would be inexpedient, nay, dangerous, to add to the severity of either, "merely because, in some instances, the wholesome vigour of the existing law has been impeded by a negligent or corrupt execution.

In reading the reports which have been presented, the governor could not fail to observe that where punishments have been duly inflicted, the power of the magistrates has been anything but derided. While perusing these painful details, His Excellency has indeed had abundant reason to lament that the use of the whip should of necessity form so prominent a part of convict discipline in New South Wales; but believing it to be unavoidable, the governor must rely on the activity and discretion of the magistracy for insuring its wholesome and sufficient application."

The clear-sighted policy adopted by Sir Richard Bourke in carrying out the last mentioned reform was no less observable in his treatment of the question of assignment. The system by which servants were assigned to settlers was undoubtedly not altogether free from abuses. It was alleged that successive governments worked it quite as a source of patronage to themselves. Governor Darling had however established an assignment board, which to some extent equalized the distribution of the convicts among the settlers. But it remained for Sir Richard Bourke to put the whole question on a thoroughly satisfactory footing. The rules he promulgated did not make their appearance till he had been four years in the colony; after he had gained experience, that is to say, and time to consider the subject in all its practical bearings. Excellent though they were, they were rather late in the field. From the date of their appearance to that of the final suspension of transportation there were but five years to run. The pains taken by Sir Richard Bourke are evident from his despatch to the Secretary of State for the Colonies, dated June, 1835. He observes, "My chief object in this measure has been to

substitute for the invidious distinction hitherto more or less vested in the officers entrusted with the duty of assigning convicts to private service, strict rules of qualification, intelligible alike to the dispenser and receiver of penal labour, and from which no deviation shall be permitted. It is not until after much delay, and after maturely weighing the suggestions of the various parties, that I have ventured to deal with this important and difficult subject."

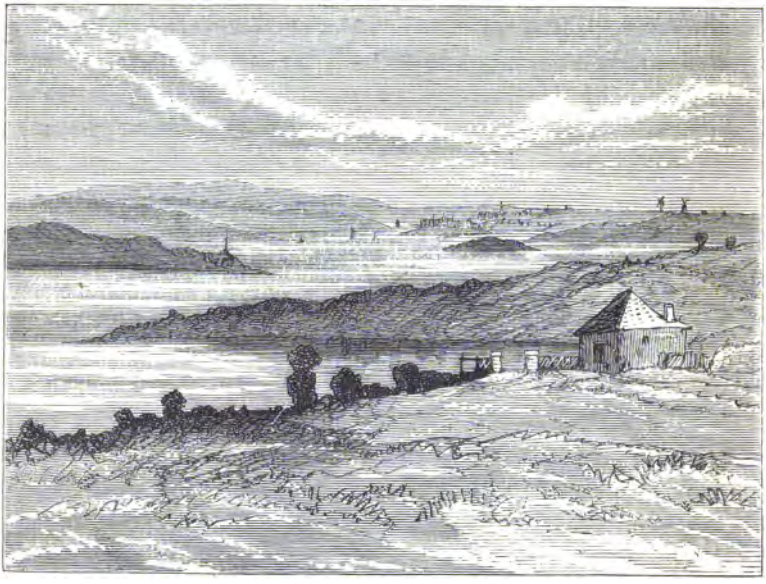
The main principle of the new regulations was that servants were to be assigned solely in proportion to the land the masters occupied. A carefully prepared scale was drawn up fixing this proportion, which, speaking roughly, was at the rate of one servant per 160 acres of ordinary land, and one per 20 acres under plough or hoe culture. At the same time it was ruled that, as all mechanics were more valuable than mere labourers, each of the former should be equal to two and sometimes three of the latter. Thus one blacksmith, bricklayer, carpenter, or cooper, counted as three labourers; while a plasterer, a tailor, shoemaker, or wool-sorter, counted only as two. An entirely new process of application for these servants was also laid down. A special sessions was to be held in every district in September, for the purpose of receiving and reporting on all such applications. It was the duty of the magistrates in sessions to "inquire into the correctness of the facts stated in each, requiring such evidence thereof as to them shall seem proper; and they shall in no case recommend the claim of any applicant unless perfectly satisfied of the truth of the statement on which the application is founded."

Over and above this they were also required to look into the moral qualifications of the assignee. They were not to

recommend any person "who is not free, of good character, capable of maintaining the servants applied for, and to whose care and management they may not be safely entrusted." Had this regulation been enforced at an earlier date the system of "assignment" might have been worked with greater success. The applications having been duly passed at sessions were then forwarded to the assignment board at Sydney. Throughout, the greatest care was taken to prevent underhand dealing: when eventually the time for actual assignment arrived, it was done by drawing lots, or rather numbers from a box in the office of the assignment board, and it was impossible for the officials to show favour or affection had they been so inclined. The whole spirit of these regulations was thoroughly equitable and straightforward. The only object was to be fair to every one. Thus the land qualification was not insisted upon in the case of tradesmen who wanted assistance in their own calling; and respectable householders were also allowed to obtain indoor servants, though without an acre of land in the colony. With these rules were included others requiring masters to remove their servants without delay, and establishing certain pains and penalties against contravention of the new law.

These arrangements were indeed admirable, all of them, but they should have been earlier enforced. Not that Sir Richard Bourke was to blame for this. The change he instituted should have been carried out by his predecessors. But he was probably superior as an administrator to most who had gone before. At least he was clear-sighted enough to perceive that New South Wales had already outgrown the conditions of a mere penal settlement. He was of

opinion that convict labour was no longer required, and that the abolition of transportation would be really a benefit to the colonial community. He was perhaps in this ahead of his time, but within a year or two of the close of his reign the same views began to be widely entertained both at home and abroad. In fact the period was now approaching when the idea of the possible abandonment of transportation was to take a tangible substantial form.



SYDNEY IN 1835.*

CHAPTER III.

CONVICT LIFE.

TRANSPORTATION divides itself naturally into three periods. The first comprises the early history of the penal colonies; the second treats of the days when "assignment" flourished, then fell into disrepute; the third saw the substitution of the "probation" system, its collapse, and finally the abandonment of transportation beyond the seas.† Having

* From a sketch by C. Martens.

† Transportation was really continued for some years after the collapse of the probation system in Van Diemen's Land, but only to the extent of sending a few hundreds annually to Western Australia.

sketched this early history in the two preceding chapters, I propose to draw now a picture of convict life, and the state of the colonies generally during the second of these periods. I shall, in this, confine myself chiefly to New South Wales, the details of management and the results having been much the same in Van Diemen's Land, or Tasmania as it is now called. But I shall refer more especially to that island in a later page.

To the voyage out and the internal management of convict ships I intend to devote a special chapter. Let us imagine that the anchor is dropped in Sydney harbour, and that the surgeon superintendent has gone on shore to make his bow to His Excellency the Governor of New South Wales and its dependencies. There is already plenty of excitement in the town. The ship had been signalled in the offing, and there are numbers of good people on the look out for useful hands from among its cargo. The days when convict labour was a drug in the market are past and gone; the rush for "assigned" servants is now so great that requisitions far in excess of the number available crowd the office of the assignment board. All sorts of tricks have been put in practice to get early information as to the qualifications of those on board: although the indent bearing the names of the new convicts goes first to the governor and thence to the assignment officers, cunning old stagers—not a few of them themselves emancipists—have found out privately from the surgeon or the master of the vessel whether there are upon the list any men likely to be useful to them. Thus a watchmaker seeks to obtain a watchmaker; an engraver, an engraver; printers, compositors; merchants want clerks, as doctors do assistants, or the genteel folk—

"ancients" as they love to style themselves—do cooks, butlers, and ladies'-maids. Many got convicts assigned to them who were distinctly unfit and unworthy of the charge. Cases were indeed known of settlers, outwardly honest men, whose only object in asking for servants was to get assistants in thieving, cattle stealing, and other nefarious transactions. All who lived inland came off second best in the general rush: unless they had some friend on the spot to watch their interests they had to take their chance later on. But these too are in want of skilled labourers: one requires a carpenter to complete a new shed or roof to his house; another a blacksmith for the farm forge; and all would be glad of men with any agricultural training or skill. If the newly-arrived ship carries female convicts, there is similar anxiety. At one time governesses were frequently got from among these outcasts; but the practice of confiding the education of innocent children to such teachers appeared so monstrous that it was soon altogether discontinued. But nursemaids and other household servants were in eager request, and it must be confessed that the moral condition of the colony was such that many of the better looking female convicts were obtained without disguise for distinctly immoral purposes.

But one and all were compelled to lodge their applications for assigned servants with the assignment board, where practically the decision rested. This board was governed latterly by the clear and explicit rules laid down by Sir Richard Bourke, to which I have referred in the last chapter, but before these regulations were framed many malcontents among the settlers were ready to declare that assignment all depended upon favour and affection. "If you had no

friend on the board," says one, "you might get a chimney-sweep when you wanted a cabinet-maker." In the same way complaints were made that the members of this board, and other officials in high place, were given as many assigned servants as they asked for. Thus the Chief Justice of the colony had forty, the Colonial Secretary fifty or sixty, the Brigade Major eight or ten. The principal landowners, too, were liberally supplied. One, a salt manufacturer, had sixty or seventy; another, with a farm of 40,000 acres, employed a couple of hundred servants. Laing declares that the assignment of useful hands depended often on petty services rendered to Government, and that many of the settlers succeeded in getting on the weak side of the governor and his advisers.

But to return to the ship, which meanwhile lay out in the stream. No one was allowed to communicate with her, except the Colonial Secretary or his assistant. One of these officials having gone on board to muster all hands, inspect them, and investigate any complaints, as soon as these preliminaries were concluded the disembarkation took place at the dockyard. Male convicts were at once marched to the Hyde Park Barracks, where they paraded for the inspection of His Excellency the Governor. Then the assignees, having been first informed of the numbers they were to receive, waited in person or sent for them; paying on receipt one pound per head for bedding and the convict clothes. Assignees failing to appear, or to remove the lots assigned to them, forfeited the grant. With the women the system was much the same. They were first mustered, then they landed, decked out in their finest feathers. There was no attempt to enforce a plain uni-

formity of attire; each woman wore silks and satins if she had them, with gay bonnets, bright ribbons, and showy parasols. Persons who had applied for female servants were present at the dockyard to receive them. After that all who remained on government charge—and their numbers were large, for female convicts were not in great demand—passed on next to the great central depot or factory at Paramatta.

As the Hyde Park Barracks and the Paramatta Factory were to a certain extent depot prisons for male and females respectively, a word about both will not be out of place here.

Until later years the men's barracks had been very negligently supervised. There was no attempt to enforce discipline within the walls. The convicts were not even kept under lock and key. Half at least were absent as a general rule all night, which they spent in prowling about, stealing anything they could lay hands upon. The officers at the barracks were tampered with, and winked for substantial reasons at the nightly evasions of the prisoners in their charge. Even in the day time, and inside the walls, drunkenness was very rife, and with it perpetual pilfering from one another, and much general misconduct. Naturally in this universal slackness of control the lower officials battened and grew rich at the public expense. Gross peculation and embezzlement were continually practised. The storekeeper was known to have abstracted supplies from government stock;* and others on small salaries were found to have amassed considerable fortunes, building themselves fine villas in the best part of the town, and living on the fat of the land. Having thus full scope for

* Parliamentary Commission of 1837: evidence of Mr. E. A. Slade.

licence and depravity, it will be conceded that there was no attempt at punishment and restraint in this the first halting-place of the transport in the land of exile.

The condition of the Paramatta factory was even more disgraceful. The building, not unlike an English poor-house, was large and stood amidst spacious courtyards and gardens. The accommodation provided was of the best. There was plenty of food and comfortable raiment. The women were not confined always within the walls, they had money in plenty, and there was little or no work to be done, even by those in the lower stages or classes. A few were made to wheel sand or gravel for gardening purposes, but the barrows used were of light construction, and the women laughed openly and made a joke of the labour imposed. The administration of the establishment was entrusted for years to a matron, whose character, to say the least of it, hardly entitled her to so responsible a charge. It was alleged that she misappropriated the labour of the convicts, keeping back the best prisoners to employ them for the benefit of herself and her daughters. It was openly said, also, that these daughters were not a bit better than they should have been. There was some attempt at classification among the female convicts according to conduct and character, but the lowest of these classes was filled with women who had been returned from service or who were sentenced to remain at Paramatta till further orders. This was just what they wished. All the women much preferred to be at the factory. It was far better, they said, than at service. If any servant misbehaved, and was taken by her master before a magistrate, she said at once, "Send me back to the factory. Send me back." These

scenes in court supply curious evidence of the condition of affairs. The women constantly made use of the most desperate and disgusting language. One, after threatening her master, suddenly spat in his face. Another, when sentenced to ten days on bread and water, was so insolent that the punishment was increased to thirty. "Oh! thank you," she said coolly; "couldn't you make it thirty-one?" —knowing perfectly well that thirty days was the the limit of the magistrate's power. No wonder that, with such material to choose from, decent people refused to receive convict maid-servants into their families. As a rule their characters were so bad, they gave so much annoyance, and disturbed to such an extent the peace and quiet of households, that the settlers would rather be without their assistance altogether. "They make execrable servants," says Mr. Mudie,* speaking from long experience. In many years he had only met one or two who were well behaved. Some were exceedingly savage, and thought nothing of doing serious mischief to any one. The most flagrant case of this was the assault on Captain Waldron, a retired officer and settler. Having reason to find fault with a woman for not cleaning his verandah, he threatened to send her back to the factory. "If you send her, you must send me too," cried another woman coming forward directly. High words followed; after which the two women threw themselves without warning on their master, got him down, and mauled him so seriously that he died of the injuries he received. Other servants, convicts also, were within earshot, but not one stirred a finger to help their master.

* Evidence before Commission of 1837.

Not a pleasant picture this of the actual consequences of female transportation. Perhaps all the women were not originally bad, but the voyage out was a terrible ordeal to those who had still some faint glimmering left of the distinctions between right and wrong.* Another observer remarks that the character and condition of these women were "as bad as it was possible for human beings to be; they were shockingly dissolute and depraved, steeped to the very core in profligacy and vice." But I will now leave them and return to the men, who formed really the bulk of the convict population.

Let us take first the case of those assigned to settlers in the interior. The assignee, as I have said, attended and carried off his quota to dispose of them on his station, or otherwise, according to his discretion. To get the men home—often a long way off—was no easy matter. Sometimes the convict was given money and told to find his own way, in other cases the master assumed charge, and marched in company. Then it happened, either that those left to themselves made straight for the nearest public-house, or that those under escort gave their masters the slip and travelled in the same direction. The next the assignee heard of his new servants was a demand made upon him to take them "out of pawn." Joining with old pals, these new chums, fresh from the restraint of the convict ship, had soon launched out into drunkenness or worse. As often as not the master found them in the lock-up, with half their clothing gone, and charged with felony. Having cost money already, they now cost more; and the process might be

* It is a rather melancholy reflection that many of these women had been among Mrs. Fry's most promising pupils.

repeated over and over again. Nevertheless, sooner or later, all or a part of the new labourers reached their destination. Here their position was quite that of slaves. The Transportation Act gave the governor of the colony a property in the services of every convict, and this property he made over to the assignee. The authority with which the settler became thereupon vested was not exactly absolute, but it was more than an ordinary master has over his apprentice. Nevertheless, the Australian master was bound to maintain and to protect his convict servant. He could not flog him, nor was he supposed to ill-treat him; besides, the law gave the convict the right of appeal and complaint against ill-usage. Their maintenance was likewise provided for by law. The regulation rations consisted weekly of seven pounds of fresh meat—beef or mutton—and eight pounds of flour, with salt, also soap and other necessaries; but this minimum allowance was often largely increased. The meat issue rose to eight or nine pounds; the flour to fourteen pounds; tea and sugar were added, and occasionally rum and tobacco. In spite of the danger of supplying such men with spirits, rum was openly given—as at time of sheep shearing, and so forth, when it was supposed to be needed medicinally. The occasion of a harvest-home was often the excuse for a general jollification. Many masters found that it was to their interest to feed their convict servants well. This was bribing them to do good work, and not a few people had more confidence in the efficacy of such treatment than in purely strict and coercive measures. Mr. Mudie, one of the settlers examined before the Parliamentary Committee of 1837, confessed to having provided his servant with a flute, just to keep him in good humour.

A good master was anxious to make his servants forget, if possible, that they were convicts. Really profitable labour, they argued, could only be got out of them by making them comfortable. Here at once was a departure from the very first principles of penal discipline. It was hardly intended that the felons who were transported as a punishment beyond the seas should be pampered and made much of, simply to put money into the pockets of private individuals. As a matter of fact the average actual condition of the convict servant, as far as food and lodging were concerned, was far superior to that of the honest field labourer at home, and under a good master he was much better off than a soldier.* He might be under some personal restraint, and there was a chance of being flogged if he misbehaved, but he had a great many comforts. He was allowed to marry, could never starve, and if industrious, in no remote period of time might look forward to rise to a position of ease, if not of actual affluence.

At all the large stations the daily routine of life was somewhat as follows:—The big bell on the farm rang out an hour before sunrise, a second bell half an hour later, and a third when the sun appeared. It was the night watchman's business to ring the bells. At the last summons all hands turned out. The mechanics went to their various works, the bullock drivers to their carts, the herdsmen to their horned cattle and pigs. As a general rule the heaviest labour to be performed was kept for the newest comers, so as to break them in. It was their business to clear the land, fell timber, and burn it. At eight came the breakfast bell, and with it an hour's rest. Dinner was at

* Parl. Com. 1839: Col. Breton's evidence.

one, after which work was continued until sunset. At 8 or 9 P.M., according to the season, a night bell recalled every one, and after that no convict was supposed to leave his hut. On the surface, then, no great amount of rest appeared to be allowed, except at actual meal times or after sundown; but the whole character of the work performed was desultory and far from satisfactory. A convict servant's value was estimated by people of experience at something much less than that of a free labourer; so much so that there were settlers who declared they would rather pay wages, as they lost rather than saved by this gratuitous labour. The convicts worked unwillingly almost always; sometimes they executed their tasks as badly as they could, on purpose to do injury. What leisure they had was not very profitably employed. One convict in twenty might read, and some few spent their time in plaiting straw hats for sale; but the greater number preferred to be altogether idle, unless they could get a pack of cards—forbidden fruit at every station, and yet generally attainable—in which case they were prepared to gamble and quarrel all the night through. There was little or no supervision over them in their huts. It was quite impossible to keep them inside. No kind of muster was feasible or even safe. The overseers were really afraid to visit much the mens' huts after dark, fearing to be attacked or openly maltreated. It would have been far better if a strong stockade, with high palisading had been in all cases substituted for the huts. The latter were open always, so that after the last bell at night, any—and they were not a few—who chose crept out and spent the whole of the dark hours on the prowl. Of course the convicts were incorrigible

thieves, and the whole country side was laid under contributions by them while thus nightly at large. Sunday was another day which gave these idle hands abundant opportunities for mischief. Of course there was no regular work done on the farm on that day; but there was no attempt, either, to enforce religious observances in lieu thereof. The want of provision for public worship was at this time largely felt throughout the colony, and seldom were churches at hand for the convicts to attend, even if such attendance had been insisted upon. Some few superintendents of farms took their convicts to church, if there was one in the neighbourhood, but cases of this were few and far between. Even if there was a church, all that could sneaked out of the way on pretence of going to bathe, and so escaped the service.

Thus far I have described only the pleasant side of a convict's life up the country. On the whole it was far from irksome. Nevertheless, as a set-off against the home comforts and the comparative idleness, there was the total want of freedom of action, coupled with strictly enforced submissiveness of demeanour. A convict was expected to be even cringingly subservient in manner. For insolent words, nay looks, as betraying an insubordinate and insurgent spirit, he might incontinently be scourged. In this way he was subject to the capricious temper, not only of his master, but of the whole of that master's family. Then the local magistrates had great powers. Singly a magistrate could sentence any man to be flogged for drunkenness, disobedience, neglect of work, or absconding; with others assembled in petty sessions, they had power, however, to inflict heavier punishments for graver offences. In "Byrne's Travels" I find mention made of several convicts who had

received in the aggregate many thousand lashes. The same writer asserts that he once had an assigned servant upon whom 2275 had been inflicted. This man was said to have grown so callous that he was heard to declare he would rather suffer a thousand lashes than the shortest term of imprisonment. Life could not be very enjoyable to men liable to such treatment. And this code was for the convicts and for them alone. Another law applied to the masters, in whom, indeed, was vested a tremendous power for good or evil. Some, as I have before remarked, were quite unfit persons to have the charge of felon servants, being little better themselves than convicts, and prepared at any time to consort with them and make them their intimate friends. Others of the better classes often delegated their authority to overseers, being either non-resident on their farms, or not caring to exercise personal control. In many cases these overseers were ex-convicts, and although it might be considered advisable that the master should not make himself too cheap, and that a middleman should be employed to come into direct communion with the convict himself, still every precaution should have been taken to prevent any abuse of power. In point of fact every well-ordered establishment should have been uniformly under the eye of its resident owner.

But in reality the lot of the convict in assignment was left altogether to chance. According to his luck in masters, he might be very miserable, or as happy as the day was long: one master might be lenient, giving good food and exacting but little labour in return; another a perfect fiend. It was quite a lottery into which hands the convict fell, for until 1835 there was little or no inquiry into the character of

applicants for servants, and except in the most flagrant cases requisitions were never refused.

This, indeed, comprises one of our chief objections to the system of assignment. It was altogether too much a matter of hap-hazard. No system of penal discipline ought to be left thus to chance. But assignment was objectionable in other ways. That it should be absolutely fruitless in reformatory results is not altogether strange, seeing that in every other case, even where no pains had been spared to secure this, one of the great objects of penal legislation, the failure was equally plain. As a punishment, however, for notorious offenders it was far too light and easy. There was, as we have seen, no supervision and little attempt to enforce hard labour or any stringent code of discipline. This neglect fostered evil courses, and tended to increase the temptations to crime. Nor was the style of labour provided that which was always most suited to the persons for whom it was intended. In some few cases it was proper enough. Men employed as shepherds were perforce compelled to drop into regular habits from being obliged to go out and return with their herds at fixed hours, and they lived much alone. But these were only a small proportion of the whole number, and the balance working in association had many opportunities for developing evil qualities by this corrupting intercourse. Especially was this the case with the mounted herdsmen, who were free to gallop about the country, collecting together in large numbers at the squatters' huts to drink and gamble and plot schemes of depredation.

These squatters, who about this period (1825-35) sprang up in rank growth round about the principal stations, did much to give annoyance, and to increase the difficulties of

the settlers. They were mostly emancipists or ticket-of-leave men, who occupied crown pastures without paying for them, or spent their energies in stealing horses and cattle. Sometimes they established themselves at the corners of the settlers' own grants of land, getting as near to estates as they could without detection. Their principal object in life seemed to make themselves useful to the convicts employed near them, and for whom they kept "sly grog-shops," where they sold or bartered liquor for stolen goods. This ready market for stolen property was a source of great loss to the settlers. One calculated that it cost him £200 or £300 a-year. Pigs, sheep, harness in bags, flour on its way to market—all these were purloined in large quantities, and passed at once to the receivers, who gave rum in exchange, and sometimes tea, sugar, and tobacco. The squatters were fined if caught at these illicit practices, but to recover money from them was like getting blood out of a stone. Another favourite *modus operandi* was to knock up a sort of shanty close by some halting-place on the main line of road, where there was water handy and the drays could be made snug for the night. The draymen naturally flocked to the grog-shop, and naturally also obtained the sinews of war by making free with their master's property.

In the foregoing pages I have dwelt chiefly on assignment to the country districts. But every convict did not of course go to the interior. Many were assigned in the towns. Now, whatever evils may have surrounded the system as carried out inland, the practice of town assignment was infinitely worse in every respect. In the first place, it led to the congregation of large numbers in places where there were many more temptations to profligacy and crime. And just

as these were increased, so were the supervision and control that would check them diminished till they sank to almost nothing at all. Country convicts, as we have seen, were not much hampered by rules; but those in towns were free to do just as they pleased. It was impossible for the masters to enforce any regulations. In the hours of work, such as they were, the convicts might perhaps be kept out of harm's way more or less, according to the character and style of their employment; but labour over, they had great licence and were practically free men. Household servants were as well off as servants at home in England: they frequented theatres and places of amusement, and the badge of their disgrace was kept altogether in the background. Masters were not compelled by law to enforce any particular discipline; nor would the most strict among them dare to exercise much surveillance over their servants. Such conduct would have been rare and singular, and it would have drawn down upon them the animosity, or worse, of the whole convict class. Such was the state of affairs that this body really possessed some power, and could not openly be affronted. Convicts were required in the towns, as in the country, to be within doors by 8 P.M.; but unhappily this rule was quite a dead letter. The Sydney police was miserably inefficient. Recruited from the convict ranks, they were known on all occasions to favour openly their old associates. If they gave information they were called "noses," which they disliked; or worse, they were hooted, sometimes attacked and half killed. They were known, too, to take bribes, and to be generally most neglectful of their duties. It was not to be expected, therefore, that from them would come any zealous supervision of the convicts

still in assignment, even to the extent of sending all such to their homes after 8 P.M., or of preventing the commission of petty offences. But as a matter of fact, the police were never certain whether half the men they met were convicts in assigned service or people actually free. Sydney was by this time so large, and the convicts so numerous, that it was next to impossible for a constable to know every one he met, by sight. None of the assigned servants in towns wore any distinctive dress. Those in Government hands wore grey, and the chain-gangs a parti-coloured suit of yellow and brown cloth, but the assigned servants appeared in their masters' liveries, or clothed just as it pleased them. Recognition was not likely to be easy or frequent. Even in our own day in England, with admirable police machinery, the thorough supervision of criminals at large is not always obtained. In Sydney, forty years ago, it was lamentably below the mark. Often enough men who had arrived in recent ships, having been assigned in due course, were soon lost sight of, to reappear presently under another name, as men quite free. They had proved themselves so useful that their masters wished to give them sole charge of a business, which, if still convicts, they could not assume. In this way it was discovered that an assigned convict servant had charge of a tan-yard close under the eyes of the police, but here it was proved that the police had connived at a grave neglect of duty.

It followed, too, from the nature of their previous avocations, that the convicts assigned in towns were the sharpest and most intelligent of their class. They were therefore the more prone to dissipation, and the more difficult to restrain within bounds. Knowing their value, they presumed on it,

and felt that they were too useful to be sent off as rough farm hands into the interior. Here was another blot in the system of assignment, and generally on the whole principle of transportation. The punishment fell quite unequally on offenders. The biggest villains and the most hardened offenders fell naturally into the lightest "billets;" while the half-educated country bumpkin, whose crime may have been caused by ignorance or neglect, was made a hewer of wood and drawer of water. Prominent among the first category were the "specials," or gentlemen convicts, as they were styled; men sentenced for "genteel" crimes, forgery only, or embezzlement, but whose delicate fingers had never handled the cracksman's jemmy, or tampered with foyle or wipe. These genteel criminals were for ever, through all the days of transportation, a thorn in the side of the administration, and they were always treated with far more consideration than they deserved. Some of these were well-known men, like one who had been a captain in the royal navy, and whose proclivities were so ineradicable that he suffered a second sentence at Norfolk Island for forgery, his favourite crime. From among this class the lawyers selected their clerks, and the auctioneers their assistants. If unusually well-educated they became teachers in schools, and were admitted as such even into the public seminaries of Sydney. A flagrant instance of the consequences of this injudicious practice is quoted by Laing—a clergyman's son, who had a convict tutor, coming himself, under the influence of such a man's teaching, to be also a convict sentenced to transportation for life.

There was another very improper proceeding which for a long time held among the convicts of this superior

or more wealthy class, their wives followed them out to the antipodes, bringing with them often the bulk of their ill-gotten gains. Having thus ample funds, they established themselves well on arrival, and applied for a grant of convicts like the rest of their neighbours. Naturally they took care to secure that their own husbands should be among the number. There was one man who had received a very heavy sentence for a robbery on a custom house, who should have gone direct to Norfolk Island. Through some bribery he was landed at Sydney, and was made overseer at once of a gang working in the street. Within a day or two he absconded. His wife had joined him with the proceeds of the robbery, and they went off together. Mr. Macarthur* gives another case of a farrier who was assigned to him. This convict's wife followed him, and asked permission to live with him on Mr. Macarthur's farm. When this was refused the man managed to get returned to Sydney, and was there re-assigned to his wife. To something of this kind some of the largest shops in Sydney owed their origin.

Among the many lighter and more remunerative kinds of employment into which the convict of the special class readily fell, was employment on the public press. As time passed there had grown up a strong antagonism between bond and free, and both sides had their newspapers. The organs which were emancipist in tone were not of the highest class, but they were often conducted with considerable ability. Their staff was of course recruited from the convict ships as they arrived, where compositors, leader writers, and even sub-editors were occasionally to be found.

* Evidence before Committee of 1837.

The most notorious instance of this description, was the case of W., who was originally assigned as a servant to the proprietor of the *Sydney Gazette*. This paper, which was then only published three times a week, was an able and influential journal, and its editor and owner was a certain O'S., who had himself been assigned to a former proprietor, and by him employed as a reporter. To him came W., and these two, according to Dr. Laing,* bent all their energies to compass "the abolition of all the moral distinctions that the law of God has established in society; to persuade the public that the free emigrant was no better than the convict, that the whole community was equally corrupt, and those of the convict class were no worse than the best in the colony, their situation being the result of misfortune, as they pretended, and not of misconduct."

W. was a Scotchman, who had been outlawed for some misdemeanour in the office of a solicitor by whom he had been employed in Edinburgh; he then came to London, and was taken into a large mercantile house, Morrison's; from which, for embezzlement, he was transported for fourteen years. He came out in Governor Darling's time, and was sent to Wellington Valley, then a penal settlement for educated convicts. He stayed there but a short time, thanks to his interest with the superintendent, and returning to Sydney obtained a ticket-of-leave, being afterwards employed as a clerk in the corporation office, under the archdeacon of the colony. On the dissolution of the corporation he was no longer required there, but he found great demand for his services from editors of newspapers, having two sub-editorships offered to him at the same time.

* History of New South Wales.

He went to the *Sydney Gazette*, and thenceforward had it under his entire control, the ostensible editor being a person of dissipated habits, who let him do as he pleased. This W. was a man of considerable talent. From that time forth he proved a source of prodigious demoralization from the sentiments he disseminated, and the use he made of the powerful engine he had under his control, in endeavouring to exasperate the prison part of the population against the free emigrants. He was tried at length on a charge of having bribed a compositor to steal a printed slip from another newspaper office in the colony. The printed slip was a proof of a letter that had been sent for publication to the editor of the paper, and which contained libellous matter, reflecting on the character of a certain emancipist. The letter was not very carefully examined by the editor until it had been set up in type, but on discovering the nature of its contents he considered that he ought not to publish it. Though actually printed, it never appeared in the paper. W. came to know that such a paper was in type, and he bribed a convict compositor in the office to which the letter had been sent to purloin a copy, or one of the proofs of the letter. He then sent the letter in an envelope through the post to the person libelled, in order that there might be proof of its publication. The person to whom the letter referred thereupon brought an action against the editor of the paper to which it had been sent, and endeavoured to establish the fact of publication from the circumstance of his having received the letter through the public post; but the action failed. On inquiry, W.'s complicity in the matter was discovered, and he was tried for being a party to the theft.

Of this he was acquitted, as the property found was not of value sufficient to constitute grand larceny; but the judge considered that he should not be allowed to remain at Sydney, and the governor sent him to Port Macquarie, a station for gentlemen convicts. Though now two hundred and fifty miles from Sydney, he still continued to contribute articles to the *Sydney Gazette;* and soon afterwards the widow of the late proprietor of the paper, into whose good graces he had insinuated himself, went down to Port Macquarie and married him. Soon after this he got into trouble by stirring up a feud between the harbour master and a police magistrate. In the investigation which followed, both these officials were dismissed and W.'s ticket-of-leave was cancelled. He was sentenced to be again classed with the convicts in government hands, and on hearing this he absconded. Nothing more was heard of him.

I think it will be evident from what I have said that the actual condition of men who were in assigned service was not very disagreeable if they were skilful hands and useful to their masters. This much established, they found their lives were cast in pleasant places. They did not want for money: they were allowed openly a portion of their earnings, and these gains were often largely increased by illegal methods. Besides this, many masters gave their servants funds to provide for themselves. They went so far even as to allow their men to marry—saddling themselves with the responsibility of having perhaps to keep both convict and his family. These convict marriages, when permitted, took place generally in the convict class, though cases were known of free women who had married

assigned servants, and *vice versa*. Among the latter, Byrne, in his "Travels," speaks of a certain old lady, the mother of very respectable people, who had married when a convict, and who did not, to the day of her death, quite abandon the habits of her former condition. Her husband had been an officer of high rank, and her sons rose to wealth and prosperity in the colony; but no considerations for the feelings of those belonging to her were sufficient to wean her from her evil propensities. She was so passionately addicted to drink, that it was in vain her children sought to keep her with them: she always escaped, taking with her all on which she could lay hands, and returned to her favourite associates—the brickmakers in the suburbs of Sydney.

But such marriages as these were the exception. As a general rule the assigned servant, whether in town or country, paid a visit to Paramatta factory, and made his case known to the matron by whom it was governed. "Turn out the women of such and such a class," cries forthwith Mrs. G., and the marriageable ladies come trooping down, to be ranked up in a row like soldiers, or like cattle at a fair. Benedict walks down and inspects, then throws his handkerchief, and if the bride be willing, the two retire to a corner to talk a little together. If the conversation is not quite satisfactory to "Smith, *Aboukir*," or "Jones, *Lady Dacre*,"* he makes a second selection; and so on, perhaps, with three or four. Cases were known of fastidious men who had run through several hundreds, and had declared in the end that there was not a single woman to suit.

* Convicts in Australia were always known by their name and the name of the ship in which they had come out.

Others were less particular. Men up country have been known to leave the choice to their masters, when the latter next pay a visit to Sydney. There was of course no security against bigamy: often both parties to the colonial marriage had wife or husband alive at home, and just as inevitably the conduct of these factory brides was most questionable after the new knot was tied.

CONVICTS WITH DRAY.

CHAPTER IV.

CONVICT LIFE AND THE STATE OF THE COLONIES.

In the latter part of the preceding chapter I have dealt with convicts in assignment. These of course did not comprise the whole numbers in the colony. Putting on one side the ticket-of-leave men,—who were still really convicts, though for the moment and during good behaviour masters of themselves,—and not including emancipists, who though, to all intents and purposes, men free as air, still carried a class-brand which generations only could efface—there were, in addition to the servants assigned to private individuals, a

large body of convicts retained in the hands of the Government of the colony. A certain proportion of these were men so chosen on arrival from fulfilling certain needs, and therefore kept back from ordinary assignment because the government officials, so to speak, assigned them to themselves. There were public works to be carried out, and the Government was clearly as much entitled to share in the supply of convict labour as the settler. It was said that the condition of these convicts in government employ was always worse than those in private hands. About one fourth of the whole available number were thus appropriated for the colonial works. But over and above these, the Government held also the whole of the refuse convictism in the colonies. Every man who did not get on with his master; every man who committed himself, and was sentenced to undergo any correction greater than flogging or less than capital punishment, came back to Government, and was by it disposed of in one of three ways.

These three outlets were: 1. The road parties; 2. The chain-gangs; and 3. The penal settlements.

1. The road parties were employed either in Sydney itself and other towns, or along the many miles of roads wherever their services were required. Those at Sydney were lodged in the Hyde Park Barracks, whence they issued forth daily to their work, under the charge of overseers, at the rate of one to every thirty men. These overseers were themselves convicts; chosen for the post as being active, intelligent, and perhaps outwardly more respectable than their fellows. Naturally the control of such overseers was not very vigilant. They were paid no wages, and had no remuneration but certain increased in-

dulgences, such as an allowance of tobacco and other minor luxuries. Hence they connived at the absence of any men who were disposed to forage in the town and run the risk of capture. If caught thieving or absent the culprits were to take the consequences; but if all went well, they shared whatever they met with during the day with their complaisant overseer. Parties in the country were under similar management, but they were dispersed over such a very wide area that efficient supervision was even more difficult. The Surveyor-General of the colony was the responsible head of the whole department; but under him the parties were actually worked by overseers and their deputies, both of whom were either convicts or ticket-of-leave men. These officials also connived at the absence of their men on all sorts of false pretences. The convicts were free to come and go almost as they pleased. Their dwellings were simple huts of bark, which presented no obstacles to egress after hours at night. In the day time they were equally unrestrained. They did odd jobs, if they pleased, for the neighbouring settlers.* Any artizan might earn money as blacksmith, carpenter, or cooper. Many others were engaged in the straw hat trade, a very favourite occupation for all the convicts. Great numbers, less industriously disposed, spent their time in stealing. A large proportion of the robberies which were so prevalent in the colony were to be traced to the men of these parties on the roads. They were highwaymen, neither more nor less; and every settler far and near suffered from their depredations.

* Under Sir Richard Bourke's assignment rules, however, which were promulgated in 1835, any settler who gave employment to convicts from the road parties thereupon forfeited all his assigned servants.

Sometimes they went off in gangs, and encamping by the side of the road laid every passing team under contribution. Increased facilities were given for the commission of these crimes through the carelessness of the settlers themselves, when they were permitted to employ men from the road parties on Sundays or during leisure hours. Wages in cash were paid in return, and the door was thus open to drunkenness and the evils that follow in its train. Worse than this, at harvest time, when the road parties were eagerly drawn upon for the additional hands so urgently required, the settlers were in the habit of giving the men they had thus employed passes to rejoin the stations from which they had come. Of course the convicts did not hurry home, and of course also they did no little mischief *en route* while thus at large.

The work that was done by these parties was certainly irksome in character. Breaking stones under a broiling sun is not an agreeable pastime. But the amount of labour performed was ludicrously small, and was described by an eyewitness as a disgrace to those in charge.* On the whole, therefore, the convicts of this class had no great cause of complaint. They had plenty of congenial society, even outside their own gangs, for they were not prevented from associating with the assigned servants around; their food was ample; and they had abundant opportunities for self-aggrandizement in the manner most agreeable to themselves. It was not strange, then, that idle, worthless servants in assignment greatly preferred the parties on the road.

Nevertheless, there were not wanting among the free residents intelligent persons who saw how the labour of

* Mrs. Meredith.

these road parties might have been made really productive of great benefit to the colony. There was still plenty of work to be done in developing colonial resources: over and above the construction and repair of roads, they could have been usefully employed in the clearance of township lands, the widening and deepening of river beds, in quarrying, fortifying, and building piers. But to have accomplished these results, a system more complete than any that was even dreamt of then must have been indispensable. Success only could have come from regular effective supervision by a thoroughly reliable staff, and by carefully constructed prison accommodation, such as was provided later in carrying out public works by convict labour in Western Australia.

2. In the chain-gangs there actually was greater restraint, and some semblance of rigorous discipline. The convicts were relegated to this system of punishment as a general rule for colonial crimes, though at times new arrivals from England of a desperate character were also drafted into them at once. In these gangs the convicts were kept in close custody, and condemned to work which was really hard. There were some few chain-gangs in Sydney employed at the magazines on the island, and in improving the streets;* but as a general rule they were to be found chiefly at out stations, or in the interior. They were guarded always by a detachment of troops, and when most efficiently organized were governed by a military officer, who was also a magistrate. Under him there was also a superintendent in charge of each stockade or barrack, with a staff of constables in the proportion of one to seventy-five

* They lived on board a hulk.

convicts. The duties of the constables were analogous to those of warders in permanent prisons at home. The stockades were substantial buildings, in appearance somewhat similar to American log-huts, but of greater strength, sufficient to preclude all possibility of escape. These stockades accommodated each one hundred or more men. They were of simple construction: the walls formed of timber, split into strong slabs, which rested in grooves at top and bottom; the roof was of timber also, covered in with bark. In most cases the materials were found close to the spot, timber being everywhere plentiful; but it was possible to take down the stockade and remove the pieces to another locality if required. The prisoners were not badly fed—with flour, maize meal, and beef. Their clothing was two suits a year. They had medical attendance, and regular Divine worship. Their beds were of plank, but there was no lack of bedding. The great hardships were the unremitting labour—at not less than ten hours daily, and the chains—leg-irons weighing six or seven pounds, which were never for a moment removed. So important were these irons considered, that it was the stockade superintendent's business to examine closely every prisoner's chains daily before the stockade was emptied for labour. In this way chiefly escapes were prevented, as the convict found himself rather too heavily handicapped to run, carrying with him several extra pounds of metal. One other unpleasant feature at the stockades was the official "scourger," as he was called—a convict specially appointed to execute corporal punishment. He was not himself an "iron-gang" man, but came from assigned service together with the convicts' cooks and wardsmen required for the interior economy of the stockade. What with work unremitting,

weighty chains that were never removed, isolation from the dissipation of the towns, the convict in the iron-gang was on no bed of roses. Nor could he, under the later *régime*, escape easily, as he had done heretofore. Sentries with loaded muskets guarded every exit, and they gave him only one chance to halt when summoned, before they fired. After two years' trial Sir Richard Bourke reported that his new system was eminently successful. By its assistance he was at length enabled to dispense altogether with the road parties without irons, which I have already described as being so fruitful of evil to the community at large. Another evil to which I have not referred, and which was attributable to the slackness of control over these road parties and chain-gangs, was the existence of a class of desperadoes sufficiently well known to every reader—I mean the notorious "bushrangers" of the Australian colonies. Certain numbers of these were recruited from among the assigned servants, who absconded when they and their masters could not agree, but by far the greater proportion was furnished by the government gangs, escapes from which were for a long time frequent and generally successful. Whenever a man of courage and ability got clear away, he soon collected around him a band of brigands like himself; and then, for periods varying in length according to the nature of the pursuit, these villains subjected the whole neighbourhood to their depredations. They attacked chiefly the outlying huts and houses, but seldom large establishments. One case was known where some sixty men of a chain-gang had plotted to break out simultaneously and make for the bush. Thence they were to march on Macarthur's station, bent on pillage. Nothing came of this plot, because pre-

cautions were taken to meet it. But at other times bloody affrays were common enough between the bushrangers and the mounted police. Indeed, it was well known that unless a gang of these highwaymen was entirely exterminated there was no peace for the district in which they were at large. If one survivor escaped he soon became the nucleus of a new gang. What between attacks on dwelling-houses, and the daily stoppage on the highways of carts and waggons, the country generally was most insecure. People went about in fear of their lives.

3. The penal settlements, which were the ultimate penal stronghold of the penal colonies contained, as a matter of course, the whole of the dregs of convictism. These settlements were the superlative degree of infamy. The convicts in the road parties and chain-gangs were bad enough, Heaven knows, but they were angels compared to those in the penal settlements. Offenders were not indeed transferred to these terrible receptacles till all other treatment had failed. When there, "it seemed," to quote Judge Burton's words, "that the heart of a man was taken from him, and that he was given the heart of a beast." It will not beseem me to go fully into all the details of these cesspools of iniquity, but I shall have to refer at some length further on to Norfolk Island, the worst of them all. The settlements used as penal by New South Wales were Moreton Bay and Norfolk Island; that by Van Diemen's Land was Tasman's Peninsula. This place was cut off altogether from the settled districts, having only one communication—at Forestiers Peninsula—with the main island. On this neck of land, between Pirates' Bay and Norfolk Bay, stood an officer's guard; and besides his

sentries, a chain of fierce dogs kept watch and ward from shore to shore. These dogs had been trained to give tongue at the slightest noise day or night. So successful was the guard they kept, that only two prisoners ever escaped from Port Arthur. One was recaptured, the other died in the woods. This station on Tasman's Peninsula had the great advantage that it was not, like Norfolk Island, distant several days' sail. Being but six hours from head-quarters at Hobart, it was brought directly under the supervision of the governor and other officials.

I have now described the condition and style of life of all convicts, still such; of all, I mean, who were not yet nominally or actually free. The whole of these were comprised in the numbers at assigned service, in the road parties, chain-gangs, or penal settlements.

Next above them, on a sort of debatable land, free for the time being, but liable to degradation anew, stood the convict on ticket-of-leave. This expression and the practice to which it applies has been adopted into our home legislation and language, but the term itself was a colonial invention. The first tickets were granted by Governor Phillip with the intention of instituting some stage intermediate between complete freedom and actual restraint. As time passed new orders varied the details; but the meaning of the term remained practically the same. The holder of a ticket-of-leave was a convicted felon, who had permission to be at large before the whole term of his sentence had actually expired.

At the top of the convict ladder were the emancipists, whose term of transportation was at an end, who were free to return to the land from whence they came, and

begin life afresh, but who were never actually whitewashed in the colonies, or permitted to rise in the social scale to an equality with the free settler who had never broken the laws. We have seen how successive governors sought to bring the emancipists forward, and the heartburnings it occasioned. Their efforts were doubtless supported by the wealth and importance of many of the emancipist class; but it was on this account that the antagonism exhibited by the free population was the more unvarying and bitter. Many of the respectable inhabitants had been outstripped in the race for fortune by men who had arrived in the colony bearing the felon's brand; and the free settlers felt that in fighting against the pretentions of these ex-convicts they were fighting for very life. The position of the latter was so strong, that with the slightest success they would have swamped the former altogether. No doubt the injudicious tone of the emancipist press, and the flagrant conduct of many of the principal emancipists, drove the free settlers into opposition more strenuous than was absolutely required. A man who had been a convict was not necessarily to be taken by the hand and made much of from pure sentimental philanthropy. But neither, on the other hand, should he have been kept perpetually at a distance, and treated as a native of the Southern States would at one time have treated any one of black blood or complexion. It was because the emancipists formed a body so powerful that their opponents were more or less afraid of them, and stood really at bay, fighting with their backs to the wall. Not a little of this bitter hostility has survived to the present day. Even now, in the towns where transporta-

tion took effect, the convict element stands in a class apart; there are caste distinctions stronger than any in the mother country, of which the barriers are rarely, if ever, overpassed.

But beyond question, many of the emancipists throve. The pictures drawn of their wealth and prosperity may be a little exaggerated, but in their main outlines they were undoubtedly true. There was one who had made a fortune worth five-and-forty thousand a-year. Several others had incomes of £20,000. One or two of the largest shops in Sydney were owned by them. They had public-houses, and farms, and ships, and newspapers, and all the outward signs of material wealth. They spared no pains or cost to get gorgeous furniture and costly plate, They had grand carriages and good horses, and were fond of lavish and ostentatious expenditure. But with all this, low taste prevailed. No one bought pictures or works of art: the only literature they valued was the "Newgate Calendar," and they preferred a prize-fight any day to an opera or a decent play. It was said, indeed, that the principal wealth of the colony was for a long time held in the hands of these emancipists. Honest people less successful in the race for money declared that these others made fortunes because they were quite unscrupulous. No doubt the accusation held. One case was proved in which a certain shop undersold all others, simply because its owner, an ex-convict, was a receiver of stolen goods, which he naturally was able to retail at remarkably cheap rates. A number made their fortunes by dealing only with their fellow-convicts, whom a sort of freemasonry attracted always to convict shops. The practice, at one time pre-

valent, and to which I have already referred, of giving small grants of land to ticket-of-leave men, was another opening to convict shopkeepers and general dealers. These farmers came into Sydney to sell their produce. As there were no markets, certain individuals bought all that came, paying for the same in "property,"—in drink, that is to say, and other articles of consumption. The countrymen got drunk always, and stayed a day or two on the same spot: at last the landlord asked them if they knew how much they owed. "No." "Well, £50." "Why, how is that?" "You've been drunk all the time, and did not know what you were doing." Of course the victim was unable to pay, and had to sign a power of attorney, or paper binding himself to give up all his produce until the debt was cancelled. This scheme was repeated again and again, till all the poor man's property was pledged, and then he was sold up. One man had been known to drink away his farm of 100 acres in a single night. It was by carrying on this line of action that the emancipist already mentioned as worth £15,000 a-year became a large landed proprietor. But he was also a thifty careful man, from the time he had come out when almost as a boy with one of the first fleets. He was a sober man, moreover; and when spirits were issued to the convicts employed building at Paramatta, he saved his and sold it to his fellows. Then, putting by all the time he was a prisoner every shilling he could make, he was able when free to set up a public-house, and buy a horse and gig which he let for hire. One day when his trap was wanted he drove it himself, and had as "fare" an ex-convict woman who owned a little property—some two or three hundred

pounds. This woman he married out of hand, and then little by little increased his connection.

On the whole it was not strange that there should be fierce warfare between the better classes and the emancipists as a body. Beyond doubt, it was plainly evident that the emancipists formed a very corrupting element in general society. They looked with leniency on men who had committed serious crimes, and welcomed those whom honest people naturally shunned. One of the sorest points of contention was the admission of these emancipists to serve on juries in criminal and other trials. It was not alone that they leant to the side of the accused, and could not, even in cases clearly proved, be persuaded to convict; but respectable people objected to be herded with them in the same panel. The question was warmly argued. Petitions were presented for and against; and this of itself showed the extent to which the convict element arrogated to itself power. One petition praying for the abolition of the practice was signed by the clergy, landowners, merchants, and gentry generally; while the counter petition was prepared and signed mostly by men on ticket-of-leave. Irritated, undoubtedly, by the general state of affairs, a party among the settlers grew up, and daily gained strength, which was pledged to the abolition of transportation.

Truly the state of New South Wales was not at that time all that could be desired; crime was extraordinarily prevalent, a certain looseness of moral tone also, and abundant drunkenness; the latter, indeed, at this time was the besetting sin of the colony. It affected all classes—drunken people were to be seen in all directions, men and women fighting in the streets, and riotous conduct

everywhere. At the Rocks—the Seven Dials of Sydney—the scenes of debauchery were repeated and always disgraceful. In the upper classes, at the hotel bars, the same tastes prevailed; and the gentry fuddled themselves with wine, just as the lower orders did with rum. This *penchant* for drink was curiously contagious. Free emigrants who came out with sober habits were soon as bad as the old hands. Of course among the convict class the drunkenness knew no bounds. The favourite drink was rum—not fine old Jamaica, but East Indian, fiery and hot—which was handed round undiluted in a bucket at all regular "sprees." Often assigned servants were found downstairs hopelessly drunk while host and guests waited upstairs for dinner, the roasts being in the fire and the meat boiled to rags. Even good servants, fairly honest and capable, could not resist the bottle. The hardest drinkers were the "old hands," or convicts who had finished their terms and had become free. These fellows worked hard for a year or two till they had put by some £40 or £50, then posted off to Sydney to squander the whole in one big debauch. They stood treat to all around,—rum flowed like water,—and if the money did not go fast enough they called for champagne. "It is, in truth, impossible to conceive," continues the same writer, "the lengths to which drunkenness proceeds and the crime it leads to, not only to obtain the means of gratification, but as a consequence on indulgence." To purvey to the universal thirstiness there were dram-shops and publics by hundreds everywhere. Licences were seldom, if ever refused, even to persons of unknown character. For them it was quite sufficient to get the good word of the chief constable—himself an old convict. He was not above

a bribe, and his recommendation always carried the day. "In no city of the world," says Byrne, "are there the same proportion of public-houses; every fifty yards in the streets brings you to one,—paying high rent, and doing an excellent business. . . . From high to low—the merchant, mechanic, and labourer, all alike are a thirsty community. The bar-rooms of the hotels and inns are as much crowded as the taps of the dram-shops. Drink, drink, drink, seems to be the universal motto, and the quantity that is consumed is incredible; from early morning to night it is the same—Bacchus being constantly sacrificed to."

Of the extraordinary prevalence of crime there could be little doubt. One eminent judge spoke of the colony as composed of two classes, whose main business respectively was the commission of crime and the punishment of it. The whole colony, he said, seemed to be in motion towards the courts of justice. Beyond question the criminal statistics were rather startling. The number of convictions for highway robbery in New South Wales alone was equal to the whole number of convictions for all offences in England. Murders and criminal assaults were as common out there as petty larcenies at home. The rate was as one offender to every twenty-two of population; while in England about the same period it varied from one in seven hundred and forty to one in a thousand. It is but fair, however, to state that nearly the whole mass of crime proceeded from the convicts, or those who had been such. Among the reputable portion of the population the proportion was no greater in New South Wales than elsewhere. Sydney was a perfect den of thieves; and these, being indeed selected from the whole felonry of England, were quite masters of their business, and stood at

the head of the profession. The report of the police magistrate of Sydney, printed in October, 1835, gives a nice picture of the state of the town. Of the whole population of twenty thousand a large proportion were prisoners, past or present, "whose passions are violent, and who have not been accustomed to control them, yet for the most part have no lawful means of gratifying them. It includes a great number of incorrigible bad characters, who on obtaining their freedom will not apply themselves to any honest mode of earning their living, but endeavour to support themselves in idleness and debauchery by plunder."

"There is more immorality in Sydney," he goes on, "than in any other English town of the same population in His Majesty's dominions." It contained two hundred and nineteen public-houses, and there were besides sly grog-shops innumerable. "There is no town which affords so much facility for eluding the vigilance of the police. The unoccupied bush near and within the town itself will afford shelter to the offender and hide him from pursuit; he may steal or hire a boat, and in a few minutes place an arm of the sea between him and his pursuers. . . . The drunkenness, idleness, and carelessness of a great portion of the inhabitants afford innumerable opportunities and temptations by day and night to live by plunder." Sir Francis Forbes, the Chief Justice of the colony, endorses the foregoing statements. "That this is a true description," he says, "of the actual state of Sydney cannot be denied."

Another powerful voice was raised by another judge—Judge Burton—whose charge to the grand jury of Sydney in November, 1835, attracted universal attention. Not alone were crimes constantly detected and punished, but others, often

the most flagrant, stalked undiscovered through the land. And numerous executions exercised no effect in deterring from crime. The example of repeated capital punishments caused no alarm. There was no attempt by the masters to raise the moral tone of their convicts; no religious worship on Sundays, as we have seen; and instead of it, drunkenness and debauchery. Masters, indeed, exercised hardly any control over their men. To this Judge Burton traced nearly all the crime. Many of the most daring robberies were to be attributed to this, and this alone. Convict servants, as many as five and six together, went about openly to plunder, masked, and armed with muskets—a weapon not capable of much concealment. Even in broad daylight, and in the open highway, harmless folk had been stopped by these miscreants and robbed.

In a word, Judge Burton intimated clearly that transportation must cease. The colonies could never rise to their proper position; they could not obtain those free institutions for which even then they were agitating; in a word, the whole moral aspect of the colony suffered so terribly by the present system, that the time must come when it must be abandoned altogether.

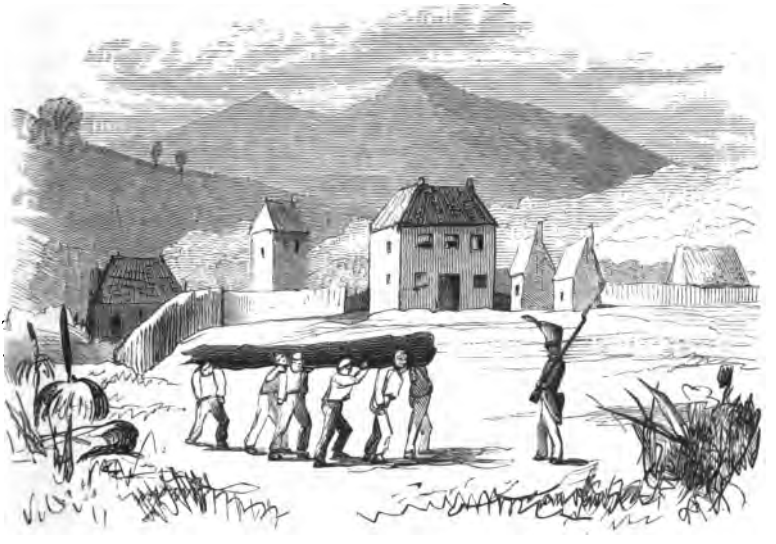
The reader who has followed me through this and the preceding chapter will probably admit that the method of transportation, as it had been administered, was indeed a failure. Looking at the actual tangible results, as they appeared at that date, at an early period of the colonial history, and before years of subsequent prosperity and cleanly life had purged the colony of its one constant cancerous bane, they were most unsatisfactory. Hardly any one could be said to have profited in all these years but the convicts for

whom transportation had been instituted. But it had been instituted as a punishment, not as a boon; and although we cannot actually quarrel with a system which had the undoubted effect of turning large numbers of criminals into wealthy and therefore, to a certain extent, honest men, we may fairly condemn it on principle. Reformation and restraint from crime we are bound to accomplish; the only question is whether we should have been so liberal to the criminal class. Transporting them to the antipodes was about the kindest thing we could do for them. It was, indeed, removing them to a distance from their old haunts and ways of life, but they went to a land flowing with milk and honey. After the earlier years the vague terrors of that unknown country had disappeared. There was money to be made out there; a certainty of food, light work, and no great isolation from the company of their choice. Hardly a family of thieves but owned one or more relatives at the other end of "the pond." Those without relative had numerous friends and pals who had gone before. Besides which there was this distinct anomaly, that convicts were now sent for their crimes to lands which were held out as a land of promise to the free emigrant. "It not unfrequently happens, that whilst a judge is expatiating on the miseries of exile, at the same time, and perhaps in the same place, some active agent of emigration may be found magnifying the advantages of the new country; lauding the fertility of its soil, and the beauties of its climate; telling of the high wages to be there obtained, the enormous fortunes that have been made; and offering to eager and willing listeners, as a boon and especial favour, the means of conveyance to that very place to

which the convict in the dock has been sentenced for his crimes."

But all the arguments against transportation are now as clear as noonday. It failed to reform, except in a curiously liberal unintentional fashion; it was no punishment; it was terribly costly; and as it was carried out was, at least for a time, distinctly injurious to the best interests of the colonies in which it took effect.*

* "In any of the leading requisites of any system of secondary punishment transportation was defective. Thus, it was neither formidable—in other words, the apprehension of it did not operate as much as possible to deter men from crime, and thus prevent the necessity of its actual infliction—nor was it corrective, or at least not corrupting—tending to produce in the criminal himself, if his life be spared, and in others, either a moral improvement, or at least as little as possible of moral debasement. Nor, lastly, was it cheap, so as to make the punishment of the criminal either absolutely profitable to the community, or at least not excessively costly. In all these requisites transportation had been found deficient, but chiefly in the most important, viz. in the power of exercising a salutary terror in offenders."—Archbishop Whateley: "Thoughts on Secondary Punishment."



"PROBATION" STATION IN VAN DIEMEN'S LAND.

CHAPTER V.

SUBSTITUTION OF PROBATION FOR ASSIGNMENT.

WE have now arrived at a new stage in the history of penal legislation. The time had at length come when transportation was to be distinctly discountenanced and its approaching abolition openly discussed. Many concurrent causes contributed to this. Sir William Molesworth's committee, in 1837, had spoken against transportation, and in the plainest terms. The punishment was condemned because it was unequal yet often without terrors to the criminal classes; it was extravagantly expensive, and most

corrupting to convict, colonist, and all concerned. The forcible oratory of Archbishop Whately and others had urged with incisive language the necessity for its discontinuance. Last, but not least, the protest of the colonists themselves, now for the first time formulated and put forward with all the insistance that accompanies the display of a virtuous determination, could not be entirely ignored. Important changes therefore were inevitable, nor could they be much longer delayed.

In point of fact, in the matter of secondary punishments it was a return to the position of fifty years before. Then we had no system at all; now the system, such as it was, was found to be entirely at fault. Transportation as conducted had quite broken down, the hulks at home were open to the severest criticism, and Millbank Penitentiary was a failure. The situation was full of difficulty. Lord John Russell, the then Home Secretary, may well have felt himself in the horns of a dilemma. At one and the same moment the three outlets through which the graver criminals had been disposed of were practically closed: the antipodes, by agitation and the strident voice of public opinion; the hulks, by the faultiness of their internal management; and the great reforming Penitentiary, by the absolute barrenness of results. If deportation beyond the seas were to come to an end, then the convicts must remain at home. But where? Not in the hulks; that was out of the question. Sir William Molesworth had recommended more penitentiaries, as the Nabob ordered more curricles. But the country grudged another half million: there had been little or no return for that spent years before on Millbank. Then it was suggested that large prisons should be con-

structed on the principle of Pentonville, for ordinary offenders, while the more desperate characters were to be drafted to Lundy Island and other rocks that might hold them. A third scheme was to construct convict barracks in the neighbourhood of our dockyards, to replace the hulks; but this, which contained in itself the germ of our own present prison system, was far too radical a change to be tolerated at that time or for many years to come. All action being thus impeded and beset with difficulty, the Government temporized and steered a middle course. It was thought that by grafting certain important so-called improvements upon the old system it might be retained. Doubtless, when judged by later experience, the plan appears shifty and incomplete; but in theory and as seen at the time it was excellent. It was deduced by sound logical arguments from given premisses, and had those premisses remained unchanged the system might perhaps have existed longer without collapse. But reasoning on paper is not the same as in real life: one small accident will upset the profoundest calculations. The plan of "probation" which I am about to describe was admirably devised; but it failed because the condition of the colonies varied, and because small obstacles, that were at the time of conception overlooked or ignored, grew in course of time sufficiently powerful to upset the whole scheme as originally devised.

Beyond question the task was not a light one. The Government did not shirk its duty, but it was fully alive to the difficulties that lay in the way. Speaking some years later, a member of that administration thus deprecates adverse criticism. "We could hardly hope," says Earl Grey,* "to succeed at once in devising a system of second-

* Earl Grey: Colonial Policy, ii. 14.

ary punishments effectual for its purpose and free from objections, thereby solving a problem which has for many years engaged the attention of the legislators and statesmen of most civilized countries, and has hitherto proved most difficult for them all." But they met the question manfully, and this is what they devised.

Transportation was to continue in force, but it was to be governed by certain checks and safeguards which had been altogether absent before, through all the long years that convicts had been sent out to the antipodes. And now the whole stream was to be directed on Van Diemen's Land alone. This Van Diemen's Land, which was thenceforth to be only a colonial prison, had been settled some years later than Botany Bay, by a party under Colonel Collins from the parent settlement. It had struggled for life amid the same vicissitudes of famine and privation as New South Wales, and similarly some years elapsed before its home products were sufficient for its own support. Up to the year 1821 it was solely a penal settlement for the transportation of convicts from Sydney; but after that date a few free settlers flocked to it, and by-and-by ships landed their living cargoes at Hobart Town direct from England, just as they did at Sydney in New South Wales. The system of assignment was practised precisely as in the senior settlement, with this difference, that the discipline was more perfect, and the machine worked with greater ease in Van Diemen's Land. Two thirds of the whole number there were thus in assigned service, the balance being employed as in New South Wales in chain-gangs, at penal settlements, or on the roads.

Colonel Arthur, who was for many years governor of the

colony, and who was well known as a strenuous supporter of transportation, claimed, and with some show of right, that the management and treatment of convicts had been attended with a greater measure of success in Van Diemen's Land than elsewhere. This may have had some weight with the Government; for the existence of a good system of administration was essential to the execution of the new project: but it is probable that Van Diemen's Land was chosen as the sole future receptacle of convicts because as yet it had had no thought of refusing so to act. New South Wales had rebelled, but Van Diemen's Land was still obedient; and no time was lost in turning its willingness to good account. Although for years it had been more or less a penal settlement, as now constituted it became essentially a colonial prison. Vast masses of convicts were to be congregated in its chief towns; its outstations were to be overrun with convicts in various stages of emancipation; free convicts were to be the pioneers and settlers of its back lands; in a word, the whole colony was to be permeated, inundated, swamped with the criminal class. That I am using no figure of speech, and to give some idea of the amount of evil with which a small colony had now to deal, I will mention here that in four years no less than sixteen thousand convicts were sent out to Van Diemen's Land, and that the average annual number in the colony of transported convicts was nearly thirty thousand. Here at home, in the year 1874, the total convict population in prison numbers from seven to eight thousand: there are, roughly, fifty-four thousand at large; but our population is twenty-three millions, while in Van Diemen's Land, at the time of which I am writing,

the number of persons who were free and without stain amounted only to thirty-seven thousand.

The new method of carrying out transportation came into force on the 20th May, 1840. It was christened the "Probation" system, because the progressive improvement of the convicts was intended to depend on their progress through certain periods of "probation." Every convict was to be subjected to certain punishments and restrictions peculiar to the stage in which he found himself; but these rigours were to diminish, step by step, till he had passed by many gradations from actual imprisonment to the delights of unshackled, unconditional freedom. No doubt in theory the principle was excellent, and had those who were to be subjected to it been anything but living men, it might have succeeded. We can pass a piece of metal, or a quantity of yarn, through several stages of manufacture with a reasonable hope that the result, or product, will be something near that which we expected; but human beings, especially of the criminal class, will not "come out" like combinations of figures calculated exactly, or chemical processes duly set in motion. Our idea, now, was to pass our convicts through a species of crucible of discomfort, hoping that in the end, under this new treatment, they would turn out reformed. The attitude of the convict while undergoing the process was to be taken as the test of his amendment: good behaviour then was assumed to be an earnest of good behaviour in the future. Here was the fallacy. We were taking promise for performance; in other words, accepting a temporary amendment, put forward in most cases to gain certain ends, as real *bonâ fide* reform. There was this grave fault even in the theory of

the new plan; in practice there were others, and greater, which soon became distinctly apparent.

The plan of procedure is fully detailed in a despatch addressed by Lord Stanley, on the 15th November, 1842, to Sir John Franklin, then Lieutenant Governor of Van Diemen's Land. All convicts, with certain exceptions, were to be subjected to the new process. By it, as I have said, the convict was compelled to pass through certain stages, five in number; and his progressive escape upwards was to be regulated altogether by his good conduct in each stage.*

Stated briefly these five stages were: 1. Detention at a purely penal station in a state of real imprisonment; 2. Removal to gangs working in various parts of the colony for Government, but still under restraint; 3. The first step towards freedom, in which the convict was granted a pass to be at large under certain conditions, and to seek work for himself; 4. The second step to freedom, when the convict gained his ticket-of-leave, and was free to come and go much as he pleased; 5. And lastly, absolute pardon.

1. Only the worst criminals entered the first stage, and for them Norfolk Island (*a*) and Tasman's Peninsular (*b*) were set apart. These were the colonial convicts, and men sentenced at home to "life," or fifteen years for heinous offences. The term at Norfolk Island was to be not less than two years, and not more than four; but misconduct consigned an offender to an indefinite term within his sentence.

(*a*) And first as to Norfolk Island.

Situated in semi-tropical latitudes, richly gifted by nature, picturesque, fertile, of fairly equable climate, this small spot

* The rules were the same for boys and females, only their stations were of course different.

seemed to contain within itself all the elements of a terrestrial paradise. It was finely timbered, chiefly with the graceful tree known as the Norfolk Island pine; limes, lemons, and guavas were indigenous; all manner of fruits—oranges, grapes, figs, loquots, bananas, peaches, pomegranates, pine-apples, and melons—grew there in rare profusion. Flowers, wild or cultivated, throve all around. Everywhere the eye rested on long fields of oats, or barley, or Indian maize. And yet the social condition of the island, as compared with its external aspect, was as the inner diseased core of an apple to its smooth and rosy skin. From the earliest days of the Australian colonies this bountifully gifted island had been made the receptacle—the sink, simply—of all the lees and dregs of mankind. Occupied in the first instance on account of its fertile aspect, it was soon afterwards abandoned for no sound or substantial reasons. By-and-by it was again re-occupied, but then only as a penal settlement. And as such it served New South Wales during all the years that transportation was in full swing. It was a prison, and nothing more; convicts and their keepers were its only population. The former at times varied in numbers: one year there were five hundred, another seven; but their lot and condition was always much the same. The worst wore chains. All worked, but not excessively; and the well-conducted were allowed, as their time dragged along, certain immunities from labour and a modicum of tobacco. Occasionally the gaol-gangs, the most depraved of this gathering of wickedness, broke loose, and attacked their guards with brutal desperation. Numbers were always shot down then and there, and of the balance when overpowered a fair proportion were forthwith hanged. Stated broadly, life in

Norfolk Island was so bitter to the convict that many for choice sought a shameful death.

Thus was Norfolk Island constituted, and such the condition of its residents, when the Home Government, in working out its new penal scheme, resolved to increase the numbers on the island, by drafting to it the most flagrant offenders from home. We have come by this time to accept it as an axiom in prison affairs, that it is unwise to concentrate in one spot the pith and essence of rascality; preferring rather to subdivide and distribute the most dangerous elements at several points. But the statesmen who were then legislating on penal matters ignored this principle; they forgot that they were about to recruit the old gangs at Norfolk Island by the very men most predisposed to become as bad as those they found there. If the administration had been really anxious to perpetuate the leaven of wickedness already existent in the penal settlement, they could not have devised a plan more likely to attain the result required.

Under the new rules Norfolk Island was intended to contain—and hereafter usually did—some 2000 convicts. Of these about two thirds came from England direct, the rest were sentenced in the colonies. There were three stations: the Head-Quarters Settlement or "King's Town," Longridge, and Cascades. The first, situated on the south side of the island and facing the sea, was the most important. Here was the principal landing-place; but a coral reef prevented the near approach of shipping, and the anchorage outside it was insecure. Hence all loading and unloading was done by boats; and this, in itself a tedious operation, was rendered more difficult and dangerous by the heavy surf that rolled perpetually across the bar. But except those

that came on the public service no vessels visited the island. There was another landing-place at Cascade Station, on the north side of the island, which was used when the state of the bar at King's Town rendered it absolutely impracticable for boats. At King's Town the bulk of the convicts were retained. Here were their barracks, in which some 800 convicts slept; here the lumber-yard, where the same numbers messed; here too the hospitals, and the goals for the retention of those again about to be tried for fresh offences in the island. The barracks, built of substantial limestone and surrounded by a high wall, stood some eighty yards from the beach; the lumber-yard close at hand was simply a high enclosure, two sides of which were roofed in and provided with rough chairs and tables; the whole area within about half an acre, no more. Next to the lumber-yard, through which was the only entrance, stood the slaughter-houses and cooks' houses, all filthy in the extreme. There was no supervision over the issue of rations: meat was sold openly at a penny per pound, and the convicts went to and fro from this and the bakehouse just as they pleased. The gaol stood close to the landing-place, and close in front of its chief entrance, the gallows—"so placed that you cannot pass the doorway without coming almost in contact with this engine of death." * The hospital accommodation for the whole settlement was here at "King's Town," and it amounted to twenty beds, with a detached convalescent ward, cold and cheerless, and this for a population of 2000, in an island where epidemic dysentery of a malignant type, especially during the summer,

* Report on Norfolk Island made to the Comptroller-General of Convicts. 1846. (From which I have quoted largely.)

was by no means uncommon. In matters of supply the settlement was equal to its own requirements, except after seasons unusually bad. There was abundance of water in the neighbouring creeks, and, although this was rendered impure by flowing past gardens and stock-yards, it was easily filtered: and there were springs too in abundance. Stock was raised and grain chiefly at Longridge, a mile and a half from Head-Quarters. The soil was fertile naturally, but light, and required good management.

The day's work began at the several settlements at daylight, when the men were roused out by a bell. Any, and they were not few, who felt idle and indisposed to work, remained behind in bed. But presently—let us stand and look on—some 600 or 700 men have collected in the barrack yard, and are to be seen walking leisurely about, waiting for the chaplain to say morning prayers, or if he failed to appear—and this was not unusual—waiting for the commencement of muster. Should the chaplain show himself, some ten or twenty prisoners go with him to the chapel which is close at hand; the rest remain outside, and no effort is made by the overseers to compel their attendance. The overseers are indeed powerless then, as at other times, and exercise no authority whatever.

Prayers over, muster follows; but the performance is as unlike the strict parade it should be as anything it is possible to conceive. There is no attempt at formation by classes, messes, or wards; no silence, no order. The convicts lounge to and fro, hands in pockets, and talking to one another while their names are read out by convict clerks from the superintendent's office—the assistant superintendent, whose duty this would be, being generally unable

to read or write. As each convict hears his name he answers or not, as it suits him, and then saunters over to join the working gang for which he has been detailed. As soon as the muster is concluded the men disperse, leaving the yard in groups or one by one, and proceed to breakfast. Here the whole body breakfast on hominy—or paste made from maize meal—seated under cover or in the open areas, preserving no appearance of order, talking and laughing just as they please among themselves. Breakfast over, some go to work, but a great many do not. They have their bread to bake; and this each man does for himself, spending half the day in sifting meal, kneading dough, and loitering leisurely to the bakehouse and back. The only men told off to regular labour are the two gangs who work the crank-mill, and the labour there was so regulated that half in turns were idle half the day; while those at work were riotous and disorderly, shrieking, yelling, hooting and assailing every passer-by, whether subordinate official, magistrate, or the commandant himself, with the vilest personal abuse. The great mass of the convicts were engaged in quarrying or in agricultural pursuits. They were superintended by convict sub-overseers, and not by free persons; and the work done was naturally not large, more particularly as these convict overseers went in daily terror of their lives. Indeed, at the time of which I am writing—after the introduction of "probation," that is to say, and probably before it too—there was practically little or no discipline whatever maintained among the convicts. But for the bayonets and bullets of the military guard by which they were more or less awed—though even against them they rose at times, to their own disadvantage—they

would have become the real masters of the island; and if they were thus restrained by fear from overt rebellion, they did not hesitate to display as much sullen disobedience and active insubordination as they dared without bringing on themselves retaliatory and coercive measures. They were, in fact, for ever in that state of semi-mutiny which is always present among a body of determined but badly governed men whose rulers are weak, not to say cowardly. This ill-conditioned attitude towards authority was displayed repeatedly. Day after day for a week together the whole body stationed at one or other of the settlements refused to turn out for labour, alleging as cause some trivial unindorsed complaint about their food and lodgment.

Flagrant outrages, like the seizure of boats which carried stores, were not uncommon, on which occasions the men of the military escort were usually thrown overboard. But perhaps the following occurrence, which took place before the eyes of a special commissioner sent from Hobart Town, will prove most forcibly the anarchy and indiscipline that prevailed. I cannot do better than use this gentleman's own words.*

"On the first of my morning visits to the lumber-yard, accompanied by the superintendent of English convicts, I observed, on our entry, a man very deliberately smoking, standing among a crowd round the fire, inside the cook-house." An officer advanced to make the man give up his pipe; but he was received with a look of the most ineffable disdain, and the smoker, getting up with his hands in his pockets, moved to a part of the mess known as the "Ring," where all the worst characters collected. On this an order

* Report on Norfolk Island, by Mr. R. P. Stewart, dated June 20th, 1846.

was issued to have the man taken to gaol; but no one stepped forward to execute it, until at length the acting chief constable, "who had been standing in the rear, advanced with admirable coolness and determination to the spot. The whole yard was now like a disturbed hive, and the superintendent expressed his conviction that there would be a riot, as the men would never suffer the culprit to be taken into custody. However, after a short time had elapsed, the culprit was seen emerging from the dense crowd by which he had been surrounded, with hands in pocket, attended by, rather than in custody of, the chief constable of the island. He (the convict) deliberately advanced to the superintendent, who was standing by my side, and in the most insolent manner said, 'What have you ordered me to gaol for?' The superintendent very coolly expostulated with him and advised him to go quietly, when he deliberately struck him two blows in the face, and using some very opprobrious expressions, fiercely rushed upon and nearly threw him upon the ground." He was seized by a constable, who asked if he should shoot him. But both convict and constable were borne away to another part of the shed by a dense crowd. The men got out their knives, and matters looked desperate, when the acting chief constable again went forward and persuaded the offender to give himself up. Had it not been for the presence of Mr. Stewart, an officer accredited from His Excellency the governor of Van Diemen's Land, a very serious disturbance might have been expected. As it was, the most foul and abusive language was used by the convicts to all the officials present.

This "Ring" which has just been mentioned was in itself a power on the island. All the worst men were

leagued together in it, and exercised a species of terrorism over the rest. This was especially noticeable on the arrival and debarkation of a batch of new convicts from England, when every effort for their protection made by the proper authorities proved always ineffectual. If the new hands were lodged under lock and key, the men of the Ring contrived generally to break into the ward and rifle them of all they possessed. If they were marched under an escort of constables to bathe, the old stagers attacked them *en route*, or while they were in the water plundered them of their clothes. Thus banded together and utterly reckless the more depraved exercised a power almost absolute over their fellows, so that of these even the well disposed were compelled to submit, in mortal terror of the deadly threats of this vicious, tyrannical confederacy. A convict whose conduct was good could not be protected from violence if there was even a suspicion, with or without reason, that he had borne witness against any member of the Ring, or was otherwise distasteful to it. Speaking in general terms of Norfolk Island, Mr. Stewart states that he is satisfied, from his inquiry, that a confirmed insubordinate spirit exists among the convicts, "constantly exhibiting itself in threats of personal violence towards subordinate officers, towards the constabulary if they resolutely do their duty, and towards their fellow-prisoners if they should be suspected of giving information or assistance to their officers; which threats are rendered more serious and alarming from the general practice of carrying knives, and from their having been fulfilled in instances of stabbing, of assaulting by beating to a cruel, nearly mortal extent, and of personal injury in attempted

disfiguration by biting off the nose, and in other overt acts of such a character as to produce a most serious effect in deterring all holding subordinate authority from the vigorous and prompt performance of their duty."

I have lingered thus long over Norfolk Island because it was the starting-point and centre of the new scheme of penal legislation. In actual truth the picture I have drawn is painted in with colours far less sombre than the subject deserves. I have shown how beyond the absolute isolation and exile the punishment was not severe, the work light, food plentiful, and discipline a mere farce. I have shown how the most criminal were banded together to defy authority and exercise a species of awful tyranny over the timid and weak; I have shown how these malefactors who were supposed to be expiating their crimes swaggered about, armed, and with knives in their hands, insulting their keepers with vile abuse, lording it over their weaker fellows, using violence whenever the spirit moved them to murder a constable, beat a comrade to death, or make a mouthful of his nose. I have said that when matters went too far firearms and the halter were called into play, and for a time worked a certain cure; but from this, the relapse was worse than the original disease. On other points I have not touched, because I do not care to sully my pages with reference to other atrocities perpetrated in that loathsome den—atrocities the existence of which was not and never could be denied, and for which those who inaugurated the system can hardly be held blameless. Regarding these, it must suffice that I refer to them thus vaguely and pass on.

(*b*) But Norfolk Island was not the only penal settlement: that at Port Arthur, on Tasman's Peninsula, was also

included by the new scheme as one of the first-stage depots. Being within easy reach of Hobart Town, and not like Norfolk Island, hundreds of miles away, Port Arthur was under the more searching supervision of the supreme authority. The peninsula was separated from the mainland by a narrow isthmus, across which, as I have said, sentries and fierce dogs for ever kept watch and ward, and escape thence was next to impossible. At the southern extreme of the peninsula is Port Arthur, having an excellent harbour, of difficult entrance but wide within, and with plenty of deep water. To Port Arthur were sent all convicts in a category a little less criminal than those of Norfolk Island, their number being some 1200, their work chiefly what is called in the Western Hemisphere "lumbering," or procuring wood for the sawyers and shipbuilders, who were also convicts. Every now and then a ship of decent tonnage was launched, and much coal and timber were also exported. There was a tread-wheel and a corn-mill, and the settlement was to a certain extent self-supporting. The convicts were lodged in hut barracks, in association with each other, but not in great numbers. On the whole, the establishment at Port Arthur was as well managed and the discipline as good as could be expected with such insufficient prison buildings. The conduct of the convicts was generally good, and punishments few and far between.

2. And now for the second stage.

Norfolk Island and Port Arthur, the purely penal settlements, I have described. At one or other of them, subject to such restraints as they found there, the nature of which I have already detailed, the convict of the worst class remained till he earned by good conduct his removal to the

second stage, or that of the probation gang. To this second stage those convicts whose crimes were less serious had been inducted on first arrival from England. They might therefore be supposed to avoid a certain amount of contamination. But if they escaped the island, they could not escape from those who had been at it; and around these seemingly purified spirits hung something of the reeking atmosphere of the foul den through which they had passed. In this way the contagion spread; for wherever there were convicts there were those who had been at Norfolk Island, and their influence, if not in the ascendant, was always more or less felt. But even without the presence of this pernicious virus wherewith the whole mass might be permeated, the probation gangs as constituted were bad enough to originate wickedness of their own. Having, therefore, errors inherent, without counting the superadded vice that came from the first-stage men, they served admirably to perpetuate the grand mistake of the whole new scheme. Soon after the development of this new order of things there grew to be sixteen of these stations. Four of them were on Tasman's Peninsula, and of these, one was for invalids, and three solely for those who had misconducted themselves in other gangs. The men worked in coal mines, or raised agricultural produce. Then there were five stations on the coast, in the neighbourhood of D'Entrecasteaux Channel, placed where the land was heavily timbered, all of which, when cleared, was to be devoted to crops; others, also, more inland, and three at which the convicts laboured exclusively at making and repairing roads. In principle, then, probation stations were intended to give convicts, from the first, a certain habit of industry and

subordination, and if they had come from the penal settlements, to continue the process. The probation stations were abundantly furnished with religious instructors, and a minute system of notation was introduced to record exactly the conduct of the prisoners from day to day. It was according to his attitude while thus in probation that the next step in the relaxation of his condition was to be regulated. No doubt in many places the work accomplished by these probation parties was not inconsiderable. Naturally the first aim was that they should raise crops enough to suffice for their own support; but after that, their labour was directed into many channels that brought direct advantage to the colony. So far, too, as there were means available, the administration was conducted intelligently. But the whole numbers poured into Van Diemen's Land were so far in excess of the resources of the colony that adequate lodgment could not be provided. From this, and the difficulty of obtaining respectable supervisors in anything like due proportion, there resulted such a state of things that in course of time the probation gangs were not less a reproach than the penal settlements.

3. The third stage was reached as soon as the convict had given, as it were, an earnest of his improvement. The Comptroller-General of convicts was constituted the judge, and it rested with that functionary whether the convict, after a certain period, should receive the boon of a "probation pass." The holder of this was privileged to hire himself out: to enter private service, and make his own terms with his future master. But there were certain distinctions among pass-holders. Those in the lowest class had to ask the governor's sanction to the employment they chose; they

had to be contented with half their wages, while the other half was paid into a savings bank. Other classes could engage themselves without sanction, and got certain larger proportions—half, two-thirds, in the last class all their wages. These passes were liable to resumption for misconduct, and the holder was then sent back to the gangs. The chief distinction between these pass-holders and the men on ticket-of-leave, to whom I shall come directly, was, that the latter were free to roam where they pleased within certain districts, while the pass-holders were retained at hiring depots till they had found employment for themselves; and even when in service they were under the direct control of a local magistrate, by whom they were inspected every month. These hiring depots were at the chief towns—Hobart Town, Launceston, and elsewhere. The numbers thus on pass came to be considerable; and, later on, when work was slack and labour scarce, they grew to be the most serious difficulty which colonial legislators were called upon to face. But in this I am anticipating.

The last two stages, of (4.) Ticket-of-leave, and (5.) Pardon, were not peculiar to the new system, and differed in no respect to the same named condition of existence under other rules, except that both were to be gained less easily now, and in no case as a matter of right.

I have given now an outline of the system introduced by Lord Stanley's despatch of 1842, and, advancing a year or two where it was necessary, have shown how it was practically carried out. Of the extraordinary results that followed from it I shall speak also at length, but in a future chapter. The evils with which it was to be beset were

not at this time foreseen, although there were some—and to these I have referred—which should have inspired the theorist with a certain dread. But it did seem in itself so symmetrical and so immeasurably superior to the system of assignment, that its authors may be pardoned almost if they hoped that transportation thus carried out must undoubtedly prove an unmixed success.

INTERIOR OF CELL WITH LOOM.

CHAPTER VI.

CAPTAIN GROVES AT MILLBANK.

LET us return now to Millbank. We left it labelled a failure; and we take it up where it was, but with name, character, and constitution all alike changed. Penitentiary no longer, for it does not now deserve the high-sounding title, the lofty

purposes with which it started remaining unfulfilled, and its future usefulness will be made to depend upon the wide area it embraces within its gloomy walls, rather than on the results its reformatory system might be expected to achieve. But as a plain prison, it may render more tangible service to the State. And just as its destination is now to be more practically useful than heretofore, so those who rule it are no longer amateurs, but officials who have made of prison matters a profession and a business. The superintending committee, composed of well-disposed gentlemen of rank, have given place to a board of three permanent inspectors, two of whom are already well known to those who have read thus far. Mr. Crawford, the senior member, had given much time to the examination of the American prisons; and Mr. Whitworth Russell, the second member, was for years chaplain of Millbank. Both also had been long employed as inspectors of all prisons in England. The voluminous Blue-Books which contain their annual reports will best prove their diligence in discharging this duty. Under them was a new governor—a person of a different stamp to mild Captain Chapman, or pious painstaking Mr. Nihill. Captain John R. Groves, a gentleman of some position and not unknown in society, was also a military officer of distinction. He did not seek the appointment, but as those in high place who knew his character thought him eminently well suited for the post, he was told that if he applied he could have it. A soldier, firm and resolute of will, but clear-headed, practical, able, Captain Groves had but one fault—he was of an irascible temper. However, like many other passionate men, though quickly aroused, he was as speedily cooled. After an outburst of

wrath he was as bright and pleasant as a summer landscape when the thunderstorm has passed. Added to this was a certain roughness of demeanour, which, though native often to men of his cloth, might easily be mistaken for over-bearing, peremptory harshness. But that Captain Groves was well-suited for the task that had devolved upon him there could be little doubt. The Millbank he was called upon to rule differed greatly to the old Penitentiary which had just been wiped out by Act of Parliament. The population was no longer, so to speak, permanent, but fluctuating: instead of two or three hundred men and youths specially chosen to remain within the walls for years, Captain Groves had to take in all that came, *en route* for the colonies; so that in the twelve months several thousands passed through his hands. Moreover, among these thousands were the choicest specimens of criminality, male and female, ripe always for desperate deeds, and at times almost unmanageable; yet these scoundrels he had to discipline and keep under with such means only as Mr. Nihill had left behind: for the most part the same staff of warders and with no increase in their numbers. And with all the difficulties of maintaining his repressive measures, were the gigantic worries inseparable from a depot prison, such as Millbank had become. The constant change of numbers; the daily influx of new prisoners, in batches varying from twos and threes to forties and fifties, in all degrees of discipline—sometimes drunk, always dirty, men and women occasionally chained together; the continuous outflow of prisoners to the convict transport ships—a draft of one hundred one day, three hundred the next, all of whom must carefully be inspected, tended, and escorted as far

as the Nore,—these were among the many duties of his charge.

But Captain Groves soon sat himself down in the saddle, and as soon made himself felt as master. The promptitude with which he grasped the position is proved by his early orders. On the first day he found out that there were no standing regulations in case of fire. No fixed system or plan of action was established, but it was left to the governor, at the moment of emergency, to issue such instructions as might suggest themselves. There were no stations at which the several officials should take post on the first alarm, no regular practice with the fire engine; the machine itself was quite insufficient, and the hose out of repair. There had been one or two fires already inside the prison, and the consequences had been sufficiently disastrous; yet no attempt had been made to reduce the chances by previous forethought and arrangement. Captain Groves prayed therefore to be permitted to frame regulations in advance and in cold blood, instead of leaving the calamity to be coped with amid the excitement of an actual conflagration. The fire question disposed of, the governor turned his eyes upon the appearance of the men under his charge; and, true soldier again, I find him complaining seriously of the slouching gait and slovenly garb of the warders trained under the late *régime*. "I think," he says, "that the officers when together on parade, or at other times, should present something of the appearance of a military body." He wishes, therefore, to give them drill, and a waist-belt, and smarter uniform. Again, he finds fault with the armoury, and remarks that all the firearms in the prison consist of one or two old blunderbusses, with brass

barrels exceedingly short, and he suggests a stand of fifty carbines from the Tower. Next comes a raid upon the dishevelled locks of the convicts. "The practice of cutting the prisoners' hair appears to be much neglected. I observe the majority of the prisoners' heads are dirty; the hair long, and the whiskers growing under the chin." To remedy this, he introduces forthwith the principles of the military barbers of that time: hair to be short on top and sides of the head, and whiskers trimmed on a level with the lower part of the ear—an innovation which the prisoners resent, and resist the execution of the order, one to the extent of saying that the next time he is given a razor he will cut his throat with it. But the rules are enforced, as are all other rules that issue from Captain Groves. Not that the adjustment of such trifles satisfies his searching spirit of re-organization. He is much annoyed at the idleness and determined laziness of all the prisoners. They don't do half the work they might. The tailoring was a mere farce, and little boys in Tothill Fields Prison picked twice as much coir-junk as full-grown men in Millbank, and in a shorter time. As for great coats, the average turned out was one per week; while they should be able to complete three or four at least. The governor attributes this chiefly to the "under current of opposition" to his orders from officers of the manufacturing department.

Indeed, not only from this branch, but from all his subordinates, Captain Groves appears to have got but half-hearted service. The double-faced backbitings, which had brought many to preferment in the last *régime*, were thrown away on the new governor. He preferred to see things with his own eyes, and did not encourage officers to tell

tales of one another. When a senior officer reports a junior for using bad language, Captain Groves remarks, "I must state my apprehensions that the practice which has prevailed of *watching* for bad or gross language uttered by warders off duty, and reported without their knowledge, accompanied by additions to the actual offence—such a system I consider will introduce discussion and discord into the prison, and produce universal distrust and fear. No warder can feel himself safe when he knows that an unguarded word may be brought against him at some future day." The practical common sense of these remarks no one can deny; but those who knew Captain Groves will smile as they remember that his own language at times savoured "of the camps," and he possibly felt that under such a system of espionage he himself might be caught tripping. But in setting his face against the old practices he was clearly right, although it might bring him into disfavour with those hypocritical subordinates who felt that their day of favour was over. Of most of the Penitentiary officers, indeed, Captain Groves had formed but a low estimate. In more ways than one he had found them lax, just as he found that the routine of duties was but carelessly arranged. There was no system: the night patrols, two in number to every two pentagons, slept as they pleased half the night or more, and were seldom subject to the visits of "rounds" or other impertinences from overzealous officials; no one was responsible for the prison during the night; strangers came and went through the inner gates and passed on to the innermost part of the prison, ostensibly to buy shoes and other articles made by the prisoners, but really to see their friends among the

latter; coal porters, irresponsible persons, often from the lowest classes (one was afterwards a convict), were admitted with their sacks into the heart of the wards, male and female, and could converse and traffic with the prisoners all day long. There was no notice board at the gates or elsewhere to warn visitors of the penalties of wrong-doing.

In all these matters the reform that was so urgently needed Captain Groves introduced, and that with no faltering hand. Naturally in the process he trod on many toes, rubbed up many old prejudices, and made himself generally unpopular. Nor was the bad feeling lessened when it became known that he looked on the bulk of the old officers as inefficient, and recommended their dismissal *en masse*. Discontent grew and rankled among the majority; but although nearly all chafed under the tightened bit, few for a long time went beyond a certain insolent restiveness, though some were brave enough to complain against the governor's tyranny and to talk of active resistance. It was not, however, till Captain Groves had been in office nearly three years that all these muttered grumblings took shape in an actual combination against him. Of this he had notice, for a paper was put into his hand giving full disclosures and a list of the conspirators, many of whom he had thought trustworthy men; but he disdained to act on the information. The malcontents were not however to be disarmed by his magnanimity. Feeling certain that their case was strong, and that they could substantiate their charges against him, one of their number, in the name of all, presented a petition to the House of Commons, praying for an inquiry into the condition of Millbank Prison. This petition was signed by Edward Baker, ex-

warder, and it was laid upon the table of the House by Mr. Duncombe, M.P.

Baker's petition set forth that he had filled the office of warder for more than three years, but that he had at length been compelled to resign "in consequence of the oppressive and tyrannical conduct" on the part of Captain Groves, the governor of the prison, towards the prisoners and officers themselves. He also impugned the character of the governor, charging him with drunkenness and the habitual use of foul language; and indirectly reflecting on the three inspectors, who in permitting such mal-practices had culpably neglected their duties.

1. The first allegation was that on one occasion a prisoner, Chinnery, had a fit in the airing-yard, just before the governor entered it. "What's the matter here?" asked Captain Grove. "A prisoner in a fit." "A fit — he's not in a fit!" (He was standing on his feet.) "No, he's reviving." "Nonsense," said the governor, "he never had a fit. If this man has any more of his tricks report him to me." Further, the governor had sent the supervisor to bring up the prisoner for this same feigning of a fit, and had sentenced him, without medical testimony, to three days bread and water. Yet this very Chinnery had been in the prison under a previous sentence, and had been lodged always next door to a warder, so that assistance might always be at hand when he had a fit.

2. The next charge was that the governor had sentenced three boys, for opening their Bibles in church, to seven days bread and water, censuring them for such conduct, "which he considered irreverent." (The words are Baker's.)

3. The third, that a prisoner who had assaulted and

wounded a warder with a pair of scissors, had not only been flogged, but the governor had specially sentenced him to be deprived henceforward of all instruction, religious or moral.

4. The fourth charge referred to a prisoner, Bourne, whom it was alleged the doctor had neglected, refusing to see him, although he was actually in a dying state. At length the officer of his ward sent specially to the doctor, who came and had Bourne removed to the infirmary, where he died two days afterwards. "It was the governor's plain duty to have prevented such a catastrophe," said Baker.

5. A prisoner, Harris Nash, died of dysentery after three months of the ordinary discipline. "The body was what may be termed a perfect skeleton."

6. Another prisoner, a boy Richmond from Edinburgh, died after four months, having been confined in a dungeon on one pound of bread and two pints of water per diem, for an unlimited number of days. At night he lay upon the boards and had only a rug and blanket to cover him.

7. That several prisoners who had been present at the infliction of corporal punishment had immediately after hanged themselves, shocked by the sight they had seen.

8. Many instances were quoted of the governor's harshness and partiality: fines inflicted unequally, old officers punished through his misrepresentation, others deprived of their situations as inefficient, though for years they had been considered efficient; while several had resigned sooner than submit to such tyranny.

9. Edward Baker further asserted that the reply furnished to the House to his first petition was garbled and untrue. It had been prepared secretly in the prison; it

was altogether false; facts had been suppressed or distorted; and that besides, the "cats" used were not those sanctioned by law.

10. That the governor had exceeded his powers of punishment, and that in some cases prisoners had undergone as many as eighteen days bread and water in one month.

Finally, to quote the words of the petition, Baker urged that—"During the last three years the cruel conduct of the governor is known to have induced twenty prisoners to attempt suicide, and that four have actually succeeded in destroying themselves, and that others are constantly threatening self-destruction; forming a melancholy contrast with the system pursued during the twenty-three preceding years at the Millbank Penitentiary, that system being free from any such stain during that period.*

"That the severity of punishments for alleged offences have led to the removal of many prisoners in a dying state to the invalid hulk at Woolwich, where every seventh man has since died, although when they came into the prison they were in good health. This cruel removal takes place to prevent the necessity for coroner's inquests within the walls and exposure of the discipline of the prison."

The petitioner therefore prays for an immediate inquiry into the manner in which Millbank is conducted, the deaths that have occurred, the cruelties that are practised, the dying prisoners that have been removed; also into the numerous reports and irregular hours and conduct of the governor, and how far the inspectors have done their

* Mr. Baker was a little misinformed on this point, as will be evident to all who have read chapters vi. and vii. of vol. i.

duty by allowing such irregularities to pass unnoticed; "such facts being notorious to all the prison."

In consequence of this petition an inquiry was instituted by the House of Commons; and the Earl of Chichester, Lord Seymour, and Mr. Bickham Escott were appointed commissioners.

A very searching and patient investigation followed, the full report of which fills an enormous Blue-Book of hundreds of pages. It would be tedious to the reader if I were to go through the evidence, in anything like detail, of the many witnesses examined; the commissioners may be trusted to have done this conscientiously, and their summing up in deciding on the allegations against Captain Grove I shall quote directly. The evident animus of the subordinates against their governor is very clearly shown in every page: nothing he did was right, and the complaints when not actually false, as in the case of prisoner Chinnery, were childish and almost beneath consideration. One officer declared that Captain Groves did not like the old prison officers; that he had said openly "he would get them all out." They could never please him; they got no credit however much they might exert themselves. Another told the governor he was breaking his (the officer's) spirit and his heart. "He (Captain Groves), after making his rounds, would send for supervisors and warders in a body and reprimand them in his office. Once when an officer expostulated with him, Captain Groves struck him to the ground with his stick, and swore he'd have none of his d——d Penitentiary tricks." Another officer, who had been on duty to Pentonville and came back without an important document, complained that he had been sent again all the way

to the Caledonian Road to fetch it. Mr. Gray (the victim) considered this was a great hardship, although he admitted that he was none the worse for his walk. All the officers were positive they had much more to do now then ever before. Mr. Gray, above-mentioned, complained also that he had been deprived of his lawful leave; yet he admitted that when all the paint work of the prison was filthily dirty and had to be scrubbed, it was badly done; and that the governor had only insisted on officers remaining on duty till the whole was properly cleaned.

It was indeed quite evident from cross-examination and from the evidence of Captain Groves, that the bulk of his officers were slovenly, slack in the execution of their duties, and litigious. Captain Groves, on the other hand, was doing his best to improve the tone of discipline. No doubt he was stern and peremptory in his dealings. We can quite understand that his reprimands were not couched in milk-and-water language; that he more than once said, "By this, or that," and swore he would not suffer such doings to pass unpunished, and that those who opposed him should forthwith be dismissed. But it is also clear that he was not well served. Those who held under him important posts were not always reliable and fitted for the charge. On one occasion, for instance, an officer was so negligent of the prisoners in his charge, that the governor, as he came by, was able to remove one unobserved. This prisoner he takes back to his cell, and then returns to the spot to ask the officer how many he has in charge. "So many." "Are you sure? Count them." "No; I am one short!" "Ah!" said the governor, and added something more in rather stronger language. Again, in the case of two bare-

faced escapes the governor expresses himself in these terms:—

"Prisoner Howard escaped under the very nose of No. 2 sentry. The night was clear and fine, and the governor cannot acquit the sentry of No. 2 beat of great negligence. It is quite impossible, on such a night as the night of last Friday, for any individual to have performed such work in the garden as raising planks, etc., against the boundary wall without detection had common care been taken."*

"In regard to the escape of Timothy Tobin, the operations he had recourse to, to break through the cell, made great noise, and attracted the attention of several of the night guard; and the governor is concerned to find that the principal warder in charge of the prison as orderly officer made no effort to detect the cause of the constant knocking in Pentagon 5, but contented himself with the reports of inferior officers without rising from his bed or anticipating his intended time of going his rounds. The qualifications which entitle an officer to promotion in this and every other establishment, are intelligence, activity, and a sense of individual responsibility; and no person is fit for the situation of supervisior or principal warder who is not prepared to exercise them on all occasions."

This was our friend Mr. Gray again; and it was he who, with others equally negligent, were so sensitive, that they felt aggrieved at Captain Groves' seemingly merited reprimands. But in actual investigation all charges of this kind melted into thin air as soon as the commissioners looked into them. The charges of tyranny were not substantiated, because they were far-fetched and exaggerated. Such stories

* This escape has been described in vol. i. chap. x.

must have been difficult to find when one of the charges trumped up against the governor was that he had kept the chaplain's clerk one day without his dinner. We should even assert that the whole inquiry was another monument of misdirected zeal, were it not that the original petition opened up serious topics which demanded attention. Whether or not the mere details of adminstrative bickering might not have been better settled by officials within the department than by parliamentary interference, I will not presume to decide; but when it is alleged in an indictment that unfortunate prisoners, without a friend in the world, are done to death by ill-treatment, it is clearly necessary that the said charges should be sifted without delay. In this way the inquiry was distinctly useful, and I shall now give the decision at which the commissioners arrived.

"These petitions seriously impugned the character and conduct of the Governor of Millbank Prison; and consequently imputed to the inspectors, under whose superintendence the government of this prison is placed, a culpable neglect of their duty in having permitted such maladministration to continue.

"1. The allegation respecting the treatment of Chinnery is the only charge on which the petitioner could prove anything from his own knowledge; and, since it occurred after he had sent in his resignation, could not be one of the instances of cruelty in consequence of which he resigned. The fault or innocence of the governor on this occasion depends entirely upon the validity of reasons alleged by him for concluding that the prisoner was only feigning a fit. There being no other witness but himself and Baker, we cannot pronounce a decided opinion upon so very doubtful a

question. Reviewing, however, all the circumstances which were brought under our notice in connection with this case, we think the governor should, before awarding the punishment, have made a closer investigation into all the facts, and have consulted the medical officer for the purpose of testing the probable accuracy of his impressions. In this case, therefore, we are of opinion that the punishment, whether merited or not merited by the prisoner, was injudiciously inflicted by the governor.

"2. The commissioners think the governor rather overstrained their powers in punishing the boys for reading their Bibles in chapel.

"3. The prisoner Bunyan was sentenced and punished by flogging, as described, for an aggravated and malicious assault. The second allegation, that he was ordered to receive 'no instruction, either religious or moral' is untrue. He was visited by the chaplain, and had the usual access to religious books.

"4. No evidence to support charge against the governor in case of H. Bourne; but the latter was certainly not well treated by the resident medical officer.

"5. Harris Nash died of a severe attack of dysentery. He was an ill-conditioned, mutinous prisoner, who frequently attacked his officers; but, though he was often punished, his death was attributable to the dysentery and nothing else.

"6. No responsibility rests with the governor as to Richmond's death. No symptom of disease on him when first he arrived at Millbank, and he was never punished when the disease showed itself.

"7. There does not appear to be the slightest foundation

for the suggestion insinuated in this charge; neither of the three prisoners named having witnessed any punishments calculated to produce a bad effect on their minds.

"8. The charges of partiality were distinctly disproved; as were also the allegations contained in 9 and 10, which were found to be quite 'unfounded, in fact.'

"Upon the general charge of irregularity, and especially upon a charge of intoxication preferred by some of the witnesses, after a minute consideration of all the circumstances detailed in the evidence, we feel bound to acquit the governor, and to express our strong disapprobation of the manner in which the charge was attempted to be proved.

"Having thoroughly sifted the complaint against the governor, and made some allowance for exaggeration on the part of witnesses, whose accusations were seldom warranted by the facts which they attempted to prove, we have no hesitation in pronouncing our opinion that he has endeavoured to perform his duties with zeal and intelligence, and has done nothing to discredit the very high testimonials which he possesses from the officers in the army under whom he formerly served. His treatment of the prisoners, except in the two cases above mentioned, appears to have been judicious and considerate. Cases were indeed brought under our notice in which the prisoners complained of excessive severity; but the responsibility for these cases rests upon the subordinate officers, as it does not appear that the governor was made acquainted with these complaints. The substitution of the punishment of reduced diet in lieu of a dark cell appears to have been made by the governor from motives of leniency and with a view to preserving the health of prisoners.

"The only faults with which he appears justly chargeable are :—

"1. A too hasty method of dealing with his officers when reported to him by others, or detected by himself in some neglect of duty ; not always giving them a sufficient opportunity for explanation or defence.

"2. The occasional use of improper or offensive expressions, of which we should express our condemnation more strongly were it not that the instances adduced by all the witnesses amounted only to three.

"3. An insufficient attention to the rules of the prison ; it appearing from his own evidence that he was entirely ignorant of the legal force of the old penitentiary rules, and that in two important instances the rules actually stuck up in the prison were not strictly attended to by him.

"The want of a complete code of rules suited to the present government of the prison has apparently given rise to many of the charges and to much of the ill-feeling which have come under our observation during this inquiry.

"No doubt there existed a very extended feeling of discontent among the officers. It is probable that this may partly have originated in the changes which took place at the organization of the present establishment, by which the duties of the prison were necessarily rendered more irksome and severe.

"The old prison possessed more of a reformatory character : the prisoners were confined there for much longer periods, were under the influence of stronger motives to good conduct, and by habits longer exercised became more accustomed to the regular routine of prison life. In the prison, as now constituted, few of the adult convicts

remain for more than two, or most, three months; and of those who remain for a longer period, the most part are criminals of the worst description, who are awaiting embarkation for their final destination, Norfolk Island.

"The effective government of these convicts can only be carried on by a very strict and vigilant attention on the part of the officers. We must add that these important changes had to be commenced and carried out by a new governor with an old set of officers, and, in our opinion, with an inadequate addition of strength. It was but natural that the old officers, receiving little or no increase of pay, while their duties were generally augmented, should have felt some dissatisfaction, and that a portion of it should have vented itself in personal feelings towards the governor, who appears to be both a zealous and energetic officer, giving his orders in a peremptory manner as a man accustomed to military life, and expecting them to be obeyed with soldierlike precision. We regret however to observe that, whilst these officers omitted to make a single complaint or suggestion of grievance to their legitimate superiors, they formed a kind of combination amongst themselves for the discussion of their supposed wrongs and for collecting matter for complaint against the governor."

On the whole, then, Captain Groves came triumphantly out of the inquiry into his conduct. Beyond doubt his task was a difficult one. He had within the walls of his prison a large body of criminals who were not to be managed easily. Their offences were more deliberate, and their violence more systematic than anything which I have described in the Penitentiary days. When they assaulted officers, which they did frequently, from Captain

Groves himself downwards, it was with the intention of murdering them; and when they wished to escape, as often as not they managed to get away. They stabbed their officers with shoemakers' knives, or dug scissors into their arms; while one, when searched, was found with a heavy cell stone slung to a cord, supplying thus a murderous weapon, of which he coolly promised to make use against the first who approached. Another ruffian, named Long, a powerful, athletic man, dashes at his officer's throat and demands the instant surrender of his keys. Edward King, another, meeting the governor on his rounds, assails him with abuse, then strikes him on the mouth; whereupon Captain Groves promptly knocks him down. And of all the annoyances, none equalled those that came from the "juvenile ward," as it was termed.

In this Captain Groves had raised a sort of Frankenstein to irritate and annoy him, which he found difficult to lay. Early in his reign he had felt the necessity for some special treatment of boy prisoners. There were nearly 200 of these; and though styled boys, they were many of them youths of ages varying from seventeen to twenty years. After much anxious consideration he constructed from his own plans a large general ward to accommodate the whole number. This building still exists, although it has since been converted into a Roman Catholic chapel. It is built of brick, only one storey high, with a light roof supported by slender iron rods. Around the wall were bays, holding each three hammocks by night, but in which these juveniles worked during the day. And they could work well if they pleased. For general intelligence and astuteness these boys were not to be matched in all the world. They were the

élite of the London *gamins*, the most noted "wires," the cleverest thieves, and the most unmitigated young vagabonds of the whole metropolis. It was a similar gathering, but on a larger scale, to that with which we are familiar in the pages of "Oliver Twist." Properly directed they had talent enough for anything. They were soon taught to be expert tradesmen; could stitch with the best tailors, and turn out an upper or a half sole without a flaw. It was part of Captain Groves' scheme to drill them; and these active lads soon constituted an uncommonly smart battalion.

So far we see only the bright side of the picture; the reverse is not so exhilarating. The mere fact of bringing together in this way a mass of juvenile rascality, without adequate means of restraint, was to open the door to mutinous combinations and defiant conduct. Over and above the buoyancy of spirits natural to youth, which tempts every school-boy to mischief, there was present among the inmates of this juvenile ward an amount of innate depravity, due to early training and general recklessness of life, which soon led them to the most violent excesses. Within a week or two of the opening of the ward under the brightest auspices, the governor records that already they exhibit strong tendencies to run riot. They use threatening language to their officers, are continually at loggerheads with each other, and their quarrels soon end in blows. Presently one makes a violent attack on his warder, and kicks his shins; but for this he is incontinently flogged, and for a time the lightheartedness of the ward is checked. But only for a time: within a week the bickering recommences, and there are half a dozen fights in less

than half a dozen days. Appeal is now made to the birch-rod, also for a time effectual. But the temptation to misconduct in marching to and fro from drill, exercise, or chapel is too strong for these young ragamuffins, and their next feat is to put out the gas as they go, then lark along the passages. The governor prays for more powers to punish them. "By their refractory and insolent conduct," he says, "they wear out the patience of every officer set over them, and turn him into an object of ridicule and contempt."

It occurs to them now that they can cause some considerable inconvenience by breaking out at night; so night after night, when the watch is set and the prison is quiet, they burst out into yells and general uproar, till the night guards are compelled to ring the alarm bells to call assistance. This continues to such an extent that Captain Groves fears it will be impossible to persuade officers to remain in the general ward after dark. Of course they are all experienced thieves. On one occasion an officer on duty has his pocket picked of a snuff-box. "I know where it is," volunteers a boy; but after a long search it could not be found in the place he indicated: then they search the boy himself, and find the box secreted on his person. Another lad, with infinite cunning, nearly succeeds in effecting his escape. One night after midnight he left his bed, and crawling under the other hammocks, he got to a wide stone which covered the entrance to the ventilating flues. This stone he removed, and then descended into the flue, meaning to follow it till he reached the airing-yard; thence he meant to climb to the roof and descend again. In view of this he carried with him a long cord, made of

sundry skeins of thread, which from time to time he had stolen and secreted. As it happened, a warder going his rounds set his foot on the mat which the boy had placed over the hole into the flue, tripped, and nearly tumbled in; then the prisoner, who was in the flue, fearing he was discovered, came out. But for this accident he might have got clean away. After this the uproarious behaviour of the boys waxed worse. The governor begins to have serious apprehensions that discipline will greatly suffer. Stronger measures of repression are tried, but without effect. They continue still fighting, refusing to work, yelling in concert after dark, assaulting and maltreating their officers by throwing brooms at their heads and kicking their shins. Throughout, too, their conduct in chapel was most disgraceful, and it became a serious question "whether they ought not to be kept away altogether from divine service, as their example would certainly attract followers among the general body of the prisoners."

At length it comes to this, that the ward must be broken up, and the boys distributed among the various pentagons. It is felt to be dangerous to keep so many elements of discord cencentrated together in one room. This was accordingly done; but by-and-by, for reasons that are not given—probably on account of want of space in the crowded condition of the prison—the general ward is again occupied with these precocious juveniles. Yet, as I find it recorded, within a few days a scene took place in the room at a late hour of the night, which called for immediate decisive action.

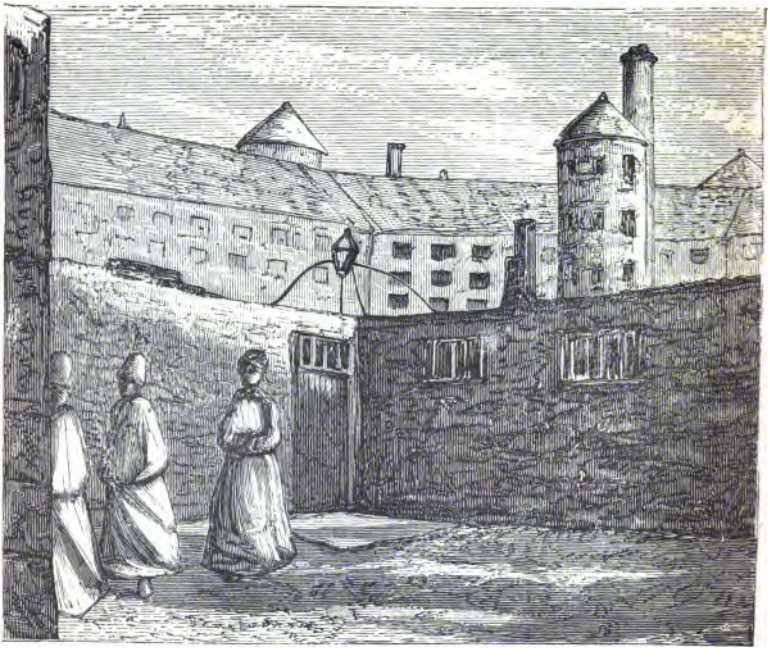
About 11 P.M. the governor was sent for. The ward was described to be in a state of mutiny. On his arrival the

prisoners appeared much excited, but comparatively quiet. At his order they assembled quietly enough and fell in by word of command. He then asked what it all meant, and heard that from 10 to 10.30 there had been periodic shoutings, and this chiefly from one particular boy. As it rose at last to something serious, the alarm bell was rung, and on the arrival of the reserve guard the ringleader was pointed out, by name Sullivan, who had shouted the loudest. Ordered first to get out of his hammock, he obstinately refused to move, and when at last dislodged by force, he broke away from the officers, jumped on to the hammock rails, and thence to the iron girders of the roof. An officer promptly followed him, and "a scene ensued which it is impossible to describe." He was at length captured, however; but upon the whole incident the governor remarks as follows: "These circumstances afford matter for grave consideration. Hitherto, owing to strict discipline and energy on the part of the officers, the system of the juvenile ward has been successful, with occasional exceptions in regard to misbehaviour on the part of a few turbulent characters. Of late, generally speaking, their conduct has been insubordinate and disorderly, and the fact is that the officers in charge of them are under serious apprehensions for their own personal safety. Besides, as I have before noticed, owing to the paucity of their number, their rest is broken night after night by being obliged to rise from their beds to quell disturbances; whilst the night guards, who ought to be taking their rest in the day time, are obliged to attend at the prison for the purpose of substantiating their reports of the previous night.

"It is quite evident that an *émeute* among so many prisoners (180) assembled together would be difficult to quell; and in my opinion their age is a very dangerous one, ranging as it does from seventeen to twenty years. Many of them are athletic, and formidable in point of temper likewise."

The governor decided to place additional patrols in the juvenile ward taken from the garden, although he was loath to denude the garden of guards, seeing that the prison was full to overflowing of convicts.

I have dealt in the last few pages with the misconduct of the boys as it showed itself in a comparatively short period of time. I might continue the narration, but it would be simply to repeat what has gone before. The contumacy of these lads continued for more than a year: again and again they broke out, insulted, bearded, browbeat their officers till the latter stood almost in awe of their charge; night after night the pentagon was made hideous with their outcries and uproar. The governor was pressed to abolish the ward altogether; but the project was a pet one, and he hesitated to abandon it. He never got quite the better of the boys; but in the end firmness and a resolute exhibition of authority had its effect, and the ward, if not for ever quelled, was at least brought to something like subordination and order.



THE FEMALE PENTAGON.

CHAPTER VII.

THE MILLBANK CALENDAR.

It is of course clear to the reader that the convicts who were now and hereafter contained within the Millbank walls comprised the cream of the criminal class. There is this difference between the calendars at Newgate and at Millbank, that at the former place the worst criminals pass without delay beyond the ken of man, while at the large depot prison they at least continue alive.

The calendar of such a county gaol is but a record of executions, and its experiencies are chiefly with the condemned cell, the shrift of the Ordinary, dying confessions, and the last awful act. At Millbank there was no infliction of the extreme penalty of the law: the prison received only those who just escaped hanging, as the saying is, by the skin of their teeth. In previous years, under a more barbarous code, Tyburn would have been their inevitable fate; but now the punishment to which they were doomed was secondary, not capital. These, then, without exception came to Millbank, at least for a time. A few among them there were who might be styled unfortunate, perhaps—men who had been drawn into misdeeds by accident, by weakness, or a long chain of misfortunes; but the larger proportion were undoubtedly men who would to-day be styled "habituals," and who stood quite at the head of their infamous profession. The registers of Millbank prison therefore contain many notorious names, and its records bear witness to many curious circumstances connected with these desperate characters. I shall devote a couple of chapters now to some reference to the most remarkable cases.

Foremost on the Millbank calendar stand those of the upper classes, who would have been styled in Australia, "specials," or "gentlemen convicts." It was said, that of these there were at one and the same time in Millbank two captains, a baronet, four clergymen, a solicitor, and one or two doctors of medicine. The tradition is *ben trovato*, if not exactly true. Of course in such a prison there would be representatives of every class, and although the percentage of gentlemen who commit crimes is in the long run far

below that of the middle or lower classes, there is no special natural law by which the blue blood is exempted from the ordinary weakness and imperfections of humanity. Most of these genteel people who found themselves in Millbank owed their fate to forgery or fraud. There was the old gentleman of seventy years of age, who had been a mayor in a north-country manufacturing town, and who had forged and defrauded his nieces out of some £360,000. The officers speak of him as "a fine old fellow," who took to his new task of tailoring like a man, and who could soon turn out a soldier's great-coat as well as any one in the prison. Another convict of this stamp was Mr. T., a Liverpool merchant in a large way of business, who was a forger on quite a colossal scale. It was proved at his trial that he had forged in all thirty bills of exchange, amounting in all to £32,811, and that he had a guilty knowledge of one hundred and fifteen other bills, which were valued in all at £133,000. In his defence it was urged that he had taken up many bills before they were due, and would undoubtedly have taken up all had not the discovery of one forgery exposed his frauds and put an end suddenly to his business. Still, said his counsel, his estate could have paid from twelve to fifteen shillings in the pound, and it could hardly be maintained against him that he had any moral intention of defrauding. Judge Talfourd appears to have commented strongly, in summing up, upon such an idea of morality as this; and then and there sentenced Mr. T. to transportation for life. Unfortunately for the criminal himself, his sentence came a little too late: had he gone out to New South Wales twenty years earlier, with his commercial aptitude and generally unscrupulous plan of action, he would have

run well to the front in the race for wealth amidst his felon competitors.

More contemptible, but not less atrocious, was the conduct of B., who had taken his diploma as surgeon, and had practised as such in many parts of the country. His offence was bigamy on a large scale: he was guilty of a series of heartless deceptions, so that it was said the scene in court when this Blue Beard was finally arraigned, and all his victims appeared against him, was painful in the extreme. He was brought to book by the friend of a young lady to whom he was trying to pay his attentions. This gentleman, being somewhat suspicious, made inquiries, and discovered enough to have B. arrested. Four different certificates of marriage were put in evidence. It seemed that, although already married in Cornwall, he moved thence and took a practice in another county, where he became acquainted with a lady residing in the neighbourhood, who had a little money of her own. He made her an offer, married her, and then found that by marriage she forfeited the annuity she previously enjoyed. After a short time he deserted her, having first obtained possession of all her clothes, furniture, trinkets, and so forth, which he sold. His next affair was on board an East Indiaman bound to Calcutta, in which he sailed as surgeon—wishing doubtless to keep out of the way for a while. Among the passengers was a Miss B., only fifteen years of age, who was going out to the East with her mother and sisters. He succeeded in gaining her affections, and obtained the mother's consent to the marriage on arrival at Calcutta. He made out, by means of fraudulent documents prepared on purpose, that he had inherited £5000 from his father,

and offered to settle £3000 on his bride. The marriage came off in due course at Calcutta, and then the happy pair returned to England. Soon after their arrival, B. deserted his new wife in a hotel in Liverpool. Before long he began the affair which led to his detection.

B. is remembered in Millbank as a man of considerable attainments. He was well educated, and spoke several languages. One of his favourite feats was to write the Lord's Prayer on a scrap of paper not larger than a sixpence, in five different languages. In his appearance there was nothing to justify his success with the female sex. If anything he was plain, thereby supporting Wilkes, who asserted that he was only five minutes behind the best looking man in a room. In complexion B. was dark, almost swarthy; in figure, stout. He could not be called even gentlemanlike in his bearing. But he had a good address; spoke well and readily; and he was extremely shrewd and clever. As a prisoner his conduct was all that could be desired. He passed on like the rest eventually to Australia, where he again married.

The clergymen whose crimes brought them to Millbank were rather commonplace characters; weak men, mostly, who could not resist their evil propensities. Of course they were not always what they pretended to be. One of the most noteworthy was the Honourable and Reverend Mr. ———, who was really an ordained minister of the Church of England, and had held a good living in Ireland, worth £1400 a year. But he was passionately addicted to the turf, and attended every meeting. His luck varied considerably—sometimes up and sometimes down. He came at length to lose every shilling he had in the world at Man-

chester races. The inveterate spirit of gambling was so strong within him that he was determined to try his luck again. He had been staying at a friend's house—a careless man, of good means, who left his cheque-book too accessible to others. The Honourable and Reverend Mr. ——— went straight from the course to his friend's study, filled in a cheque, forged the signature, took the bank *en route* to the races, and recommenced operations forthwith. Meanwhile his friend went also, quite by accident, to the bank for cash. They told him a large cheque had only just been paid to his order. "I drew no cheque!" "Why, here it is?" "But that is not my signature." Whereupon the honourable and reverend gentleman was incontinently arrested in the middle of the grand stand. His sentence was transportation for life, and from Millbank he passed on in due course to the antipodes. He was a poor creature at the best times, and under prison discipline became almost imbecile and useless. After a long interval he gained a ticket-of-leave, and was last heard of performing divine worship at an out-station at the rate of a shilling a service.

Of a very different kidney was the Rev. A. B., a man of parts, clever and dexterous, who succeeded in everything he tried. He spoke seven languages, all well; and when in prison learnt with ease to tailor with the best.

Somewhat similar to him in character was the Rev. Dr. B., a doctor of divinity according to his own statement, whose career of villainy is not closed even yet. This man has done several long sentences, and he is again, while I write, in durance. He also was a man of superior education, who could read off Hebrew, so the warders said, as easily

as the chaplain gave the morning prayers. Dr. B. was discovered one day writing the Hebrew character in his copybook at school time, just when a party of distinguished visitors were inspecting the prison. One of them, surprised, said, "What! do you know Hebrew?"

"Yes," was the impudent reply, "I expect a great deal better than you do."

A better story still is told of this man later, when set at large on ticket-of-leave. Through barefaced misrepresentation he had been permitted to take the duty of a beneficed clergyman during his absence from the parish. In due course came an invitation to dine with the local magnate, whose place was some distance from the rectory. Our ex-convict clergyman ordered a carriage and pair from the neighbouring town, and drove to the hall in state. As he alighted from the carriage, his footman, hired also for the occasion, recognised his face in the blaze of light from the open door. "Blow me, if that ain't Slimy B., the chaplain's man, who did his 'bit' along with us at the 'Steel.'" Both coachman and lacquey were ex-convicts too, and after that the secret soon leaked out. The reverend doctor found his country parish rather too hot to hold him. His later misdeeds, as brought to light in the last year or two, have been decoying and plundering governesses in search of situations; he has also established himself in various neighbourhoods as a schoolmaster, and more than once has again succeeded in obtaining Church duty.

Of the military men the most prominent was a certain Captain C., who belonged to an excellent family, but who had fallen very low, going by degrees from bad to worse. He was long known as a notorious gambler and loose liver.

At length, unable to earn enough money to gratify his vices by fair means, he sought to obtain it by foul, and became allied to a mob of ruffians who style themselves "Men of the World." In other words, he took to obtaining goods under false pretences. Captain C. was principally useful as a respectable reference to whom his accomplices could apply when they entered a strange shop and ordered goods. "Apply to my friend Captain So-and-so, of such-and-such a square; he has known me for years." Reference is made to a house gorgeously furnished, an establishment in every way *bien monté*, the master thereof a perfect gentleman. "Do I know Mr. ———? Oh, dear, yes; I have known him for a long time. He is one of my most intimate friends. You may trust him to any amount." Unhappily the pitcher goes often to the well, but it is broken at last. And at this game of fraud the circle of operations grows naturally more and more narrow. At length the whole conspiracy became known to the police, and Captain C. found himself ere long in Millbank. He seems to have been treated there rather too well. An idle, good-for-nothing rascal, who would do no work, and who expected—so said the officers—to be always waited upon. Undoubtedly he was pampered, had his books from the deputy-governor's own library, and extra food. More than this, his wife—a lady once, also of good family, but fallen with her husband to an abyss of infamy and depravity which made her notorious for wickedness even in this wicked city—was frequently admitted to visit him, coming always in silks and satins and flaunting attire, which was sadly out of keeping with the husband's temporary abode.

Another ex-military officer was Mr. P., whose offence at

the time created wide-spread righteous indignation. This was the gentleman, who for some occult reason of his own, committed the atrocity of striking our young Queen in the face just as she was leaving the palace. The weapon he used was a thin cane, but the blow fell lightly, as the lady-in-waiting interposed. No explanation was offered, except that the culprit was out of his mind. This was the defence set up by his friends, and several curious facts were adduced in proof of insanity. One on which great stress was laid, was that he was in the habit of chartering a hansom to Wimbledon Common daily, where he amused himself by getting out and walking as fast as he could through the furze. But this line of defence broke down, and the jury found the prisoner guilty. He himself, when he came to Millbank, declared that he had been actuated only by a desire to bring disgrace on his family and belongings. In some way or other he had seriously disagreed with his father, and he took this curious means to obtain revenge. The wantonness of the outrage called for severe punishment, and Mr. P. was sentenced to seven years' transportation; but the special punishment of whipping was omitted, on the grounds of the prisoner's position in life. Whether it was that the mere passing of this sentence was considered sufficient, or that the Queen herself interposed with gracious clemency, this Mr. P. at Millbank was treated with exceptional leniency and consideration. By order of the Secretary of State he was exempted from most of the restrictions by which other prisoners were ruled. He was not lodged in a cell, but in two rooms adjoining the infirmary, which he used as sitting and bedroom respectively; he did not wear the prison dress, and he had, practically,

what food he liked. He seems to have awakened a sort of sympathy on the part of the warders who attended him; probably because he was a fine, tall fellow, of handsome presence and engaging manners, and because also they thought his offence was one of hot-headed rashness rather than premeditated wickedness. Eventually Mr. P. went to Australia.

A good deal of attention was attracted in 1844 to certain frauds connected with wills. The chief offender was a solicitor belonging to a respectable firm, but he had accomplices, and they came all of them to Millbank. The details of the fraud show considerable ingenuity on one side and not a little foolishness on the other. A certain lady, Miss Ann Slack, had a sum of money in the three per cents., the dividends on which were paid to her as she required money, by her guardian, who had been her father's agent. The whole stock was £6000, and it was kept at the Bank of England in two sums in her name. Presently the guardian dies, and Miss Slack goes to live with a married sister, continuing to receive her dividends, but only on one sum. Apparently she was quite in the dark as to the value or extent of her own property. Year followed year, and still she failed to claim the dividends due to her on the second sum, which was altogether forgotten. At length, after ten years had elapsed and the sum was still unclaimed, it was transferred in due course to the Commissioners for the reduction of the national debt.

Now commenced the fraud. By some means or other the solicitor came to know of this transfer. He concluded, shrewdly enough, that the real owners of the stock so transferred had forgotten all about it, and he proposed,

therefore, to appropriate it to himself. To accomplish this he made it appear that Miss Slack was dead, and that she had willed the sum in question to Miss Emma Slack—in other words to himself. It was necessary that he should have the testator's signature, and this he obtained by calling on her at her brother-in-law's and pretending that money had been bequeathed to her, but that her signature was required before it could be handed over. Her name thus obtained, the other will was soon manufactured. A person to personate Miss Emma Slack was next procured, who wrote through her solicitor, claiming the money, and begging it might be transferred to her name. The same person attended also at the Bank of England, was identified —by her own solicitor—and from that time forth received the dividends. This was the principal offence, as far as amount was concerned; but in another, the guilty parties had continued for no less than ten years to enjoy their ill-gotten gains. Another lady had been discovered who had left money behind her which no one claimed. For her, also, a false will was manufactured, by which she bequeathed her fortune in the three per cents. to her nephew Thomas Hunt. Fletcher, one of the culprits, appeared to personate Thomas Hunt, and as such received the dividends for nearly ten years. The fraud was discovered by an error in dates. The forgers made it out that Mrs. Hunt died in 1829, whereas she had died really three-and-twenty years previously.

These are a few of the most prominent of the criminals who belonged to the upper or professional classes. Others there were, and are to this day; but as a rule such cases are not numerous. Speaking in general terms of the

"gentleman convict," as viewed from the gaoler's side, he is an ill-conditioned, ill-conducted prisoner. When a man of energy and determination, he wields a baleful influence around and among other prisoners if proper precautions are not taken against inter-communications. His comrades look up to him, especially if he is disposed to take the place of a ringleader, and to put himself forward as the champion of insolence and insubordination. They render him too, a sort of homage in their way, scrupulously retaining the titles which have been really forfeited, if indeed they were ever earned. Mr. So-and-so, Major This and Captain That, are the forms of address used by Bill Sykes when speaking of or to a gentleman convict. For the rest, if not openly mutinous, these "superior" felons are chiefly remarkable for their indifference to prison rules, especially those which insist on cleanliness and neatness in their cells. Naturally, by habits and early education they are unskilled in sweeping and washing, and keeping bright their brass-work and their pewter utensils. In these respects the London thief or hardened habitual criminal, who knows the interior of half the prisons in the country, has quite the best of it.

Somewhat lower in the social scale, but superior also to the common burglar or thief, are those who occupy positions of trust in banks or city offices, and for whom the temptation of an open till or slack administration are too strong to be resisted. A good instance of this class was B., who was employed as a clerk in the Bank of England. With the assistance of a confederate who personated a Mr. Oxenford—there was no special reason for selecting this gentleman, more than there might be to take Mr. Smith or Jones—he made over to himself stock standing in

Mr. Oxenford's name to the tune of £8000. His accomplice was a horse jobber. The stock in question was paid by a cheque on Lubbock's for the whole sum, whither they proceeded, asking to have it cashed—all in gold. There were not eight thousand sovereigns available at the moment, but they received instead eight Bank of England notes for £1000 each, which they promptly changed at the bank for specie, taking with them a carpet-bag to hold the money. The bag when filled was found to be too heavy to lift, but with the assistance of the bank porters it was got into a cab. They now drove to Ben Caunt's public in St. Martin's Lane, and there secured a room for the night; the money was transferred to their portmanteaus, several in number, and next morning they took an early train to Liverpool *en route* for New York. The steamer *Britannia*, in which they took passage, started almost immediately, and they soon got clear out of the country. But the detectives were on their track: within a day or two, officers followed them across the Atlantic, and landing at Halifax found the fugitives had gone on to Boston and New York. They were followed thither, and on, also, to Buffalo and to Canada. Thence back again to Boston. Here the culprits had taken up their residence—one on a farm, the other in a public-house, both of which had been purchased with the proceeds of the fraud; £7000 had been lodged also in the bank to their credit. One of them was immediately arrested, and hanged himself. The other escaped in a boat, and lay hid in the neighbouring marshes; but the reward that was offered led to his capture, and he was brought home to England, where he was tried, found guilty, and sentenced to transportation for life.

Within this category come also ship captains who betray their trust, like Captain T., who was sent by his owners to the Gold Coast for a cargo of gold dust. On the voyage home he carried with him a box containing gold dust to the value of £700. This, on arrival at Portsmouth, he declared he had thrown overboard when in a fit of delirium. Several of the crew were called upon to testify that he had been suffering from illness—real or feigned—and had kept his cabin several days, till one morning he rushed on deck apparently delirious, carrying a box which he then and there cast into the sea, shouting, "Ah! you may kill me now—but you shan't have it—there!" Unfortunately his owners were not well satisfied with the explanation, and on making inquiry they found that Captain T. had sold a quantity of gold dust to a jeweller on Portsmouth Hard soon after his arrival in port. He was accordingly arrested, when 116 lbs. of gold were found upon him, and a bundle of bank notes; also a belt filled with gold dust, which he had used apparently for smuggling his stolen property on shore. Captain T. was found guilty, and came to Millbank in due course.

I must insert here the story of one, V. P., who was in 1853 taken up as a convict returned before his sentence of transportation had expired. P. made out a long statement in his defence, which may be worth giving, as it is a sort of *résumé*, from a convict's point of view, of the strange vicissitudes of a felon's life. It will be found in the "Sessions Papers," vol. 1852-3, p. 428, as follows:—"At the period of the offence for which I was convicted I was suffering from the most acute pecuniary distress, with a wife and large family of children. A series

of misfortunes—the most heavy was the death of my second wife, by which I lost an annuity of £150, with a great falling off, notwithstanding all my exertions, in my occupation as reporter to the public press—brought about mainly the distress in question. Previous to the commission of the offence I had through life borne an irreproachable character. In early life, from 1818 to 1822, I held some most responsible appointments in Jamaica and other West India Islands; from 1829 to 1834 I held the appointment of Magistrate's Clerk and Postmaster at Bong Bong in New South Wales; afterwards was superintendent of large farms in Bathurst, over the Blue Mountains, in the same colony. At the later period I had a wife and family of young children; the former, a most amiable partner, I had the misfortune to lose in 1838, leaving me with seven young children. My connections are most respectable. My late father was an officer of rank, and of very meritorious services. My eldest brother is at present a major in the Royal Marine Corps. I was convicted in October, 1846; was three months in Millbank Penitentiary, at which period fears were entertained that my intellect would become impaired in solitary confinement; subsequently I was three years and two months in the *Warrior* convict ship at Woolwich, during which period I was employed on the Government works in the dockyard; and was sent abroad in March, 1850. At Millbank and the hulks I had the best possible character, as also on my arrival at Hobart Town, Van Diemen's Land, after a passage of four months. On my arrival I received a ticket-of-leave, which I retained until I left the colony, never having forfeited the same for a day by any kind of insubordinate conduct. My motive

in leaving Van Diemen's Land was to proceed to the gold-diggings, in the hope that I might be successful and better the condition of my family at home, who were in very impoverished circumstances; but although my exertions were very great in California, Victoria, and New South Wales, I was unsuccessful. It is true I made, occasionally, some money; but I was robbed of it on the road by armed bushrangers, and frequently ill-used and robbed at Melbourne and Geelong by the worst of characters. I was shipwrecked twice, and once burnt out at sea: the first time in Torres Straits, between New Holland and New Guinea on a reef of coral rocks. Upon this occasion I lost between £70 and £80 in cash, and all my luggage. Eleven of us only got ashore, out of a ship's company of twenty-seven, chiefly Lascars, Malays, and Chinamen. After thirty days' great suffering and privation we were picked up by an American whaler, and ultimately reached Sydney, New South Wales. I was subsequently wrecked in a brigantine called the *Triton*, going from Melbourne to Adelaide, and lost all I possessed in the world, having another very narrow escape of my life. In returning from San Francisco to Melbourne in a vessel called the *White Squall*, she caught fire about three hundred and fifty miles from Tahiti (formerly called Otaheite). We were obliged to abandon her and take to the boats; but a great number of the crew and passengers perished by fire and water. The survivors in the boats reached Tahiti in about eight days, in a state of great exhaustion, many of whom died from the effects of the same. I had the misfortune to lose nearly all I possessed upon this occasion. On reaching Melbourne I was very ill and went into the hospital. I left in about five weeks,

intending to go again to Mount Alexander diggings; but, owing to ill-health, bad state of the roads from the floods, and limited means, I abandoned such intention. I had a twelvemonth before been to Ballarat, Mount Alexander, Forest Creek, Bendigo, and many other diggings: but at this time no police was organized or gold escort troopers, consequently nearly all the unfortunate diggers were robbed of what they got by hoards of bushrangers, well mounted, and armed with revolvers and other weapons to the teeth. In returning to Melbourne from Forest Creek the last time, I was beat, stripped, and robbed of all I had, in the Black Forest, about halfway between Melbourne and Mount Alexander. I left Melbourne in the brig *Kestrel* for Sydney, New South Wales, at which place I was acquainted with many respectable parties, some of whom I had known as far back as 1829, when I first went to Sydney with my wife and children. The *Kestrel* put in at some of the settlements of New Zealand, at one of which (Auckland) was lying a barque, bound for England, in want of hands. The temptation was great to reach my dear family, for which I had mourned ever since I met with my misfortune. I shipped myself as ordinary seaman and assistant steward. We left the settlement in July, with a miserably crippled ship's company, and made a very severe passage round Cape Horn, in the winter season, which carried away masts, sails, rigging, boats, bulwarks, stauncheons, etc., etc. Some of the crew were lost with the yards, and most of us were frostbitten. We put into Rio de Janeiro, Brazil, South America, to refit and provision. We proceeded on our passage, crossed the equator, touched at Funchal—one of the Azores—for two days, and

reached England in September, after a severe passage of four months and twenty-six days from New Zealand. Under all the circumstances of my present unhappy condition, I humbly hope the legislature will humanely consider the long, severe, and various descriptions of punishment I have undergone since my conviction. I would also most respectfully call the attention of the authorities to the fact, that the offence for which I have so severely suffered was the first deviation from strict rectitude during my life; and that I have never since, upon any occasion whatever, received a second sentence even of the most minor description. It was only required of me by the then regulation of the service, that I should serve five years upon the public works at Woolwich. On my embarkation for Van Diemen's Land I had done three years and four months: if I had completed the remainder twenty months I should have been discharged from the dockyard a free man. I also humbly beg to state, at the time I left Van Diemen's Land, six years after my conviction, I was entitled by the regulations of the service to a conditional pardon, which would have left me at liberty to leave the colony without further restraint. I beg to state that during the period of three years and four months I was at the hulks I worked in all the gangs in the dockyard. Upon several occasions I received severe injuries, some of which requiring me to be sent to the hospital ship. I was ruptured by carrying heavy weights, the effect of which I have frequently felt since, and do to the present day. During the two periods when the cholera raged in the hulks, I attended upon the sick at the hospital ships. I humbly implore the Government will have compassion upon me for the sake of my numerous

and respectable family, for my great mental and bodily sufferings since my conviction, and for my present weakly worn-out debilitated state of health, and award me a mild sentence. During my captivity and absence my unfortunate wife has suffered from great destitution, and buried two of her children. She is again bereaved of me in a distressed condition with her only surviving child, a little girl of ten years of age."

This man was set at large without punishment.

The case of the Frenchman, Dalmas, should not be omitted here, not only because he was above the degree of a common criminal, but because it was an early instance of how nearly the ends of justice may be defeated when doctors differ as to soundness or unsoundness of mind. Dalmas was a Frenchman, long resident in England, a clever, intelligent man, a linguist, and an excellent chemical operative. He was employed at some chemical works near Battersea; but, on one occasion, through family dissensions, he ran away from home. His daughters, thus deserted, found a friend in a Mrs. Macfarlane. By-and-by Dalmas reappeared, and his wife having died in the interval, he showed his gratitude by offering marriage to Mrs. Macfarlane. Her friends, however, dissuaded her strongly from the match, and Dalmas was much annoyed, although he continued on the surface to retain amicable relations with her. One evening the two, Dalmas and Mrs. Macfarlane, went with one of Dalmas' daughters to "a place" which had been obtained for her through the kindness of the latter. The two elders left the girl at the house about half-past eight at night, and they were afterwards seen together at Battersea Bridge. Mrs. Macfarlane was

heard protesting that she could not remain out all night. Nothing more was positively known till Mr. Perkins, a silversmith, crossing the bridge, was followed by a woman, reeling and staggering in her walk, who asked him to conduct her to the toll-house. This was Mrs. Macfarlane. Presently she fell to the ground, and it was found that her throat was cut—a terrible gash, extending from the *trachœa* to the right side of the spinal cord, which must have been done with some very sharp instrument. Dalmas surrendered, and was found guilty, but respited on the ground of insanity. Here began the conflict of medical testimony. However, it was decided to remove him to Millbank for an extended observation, and this ended in a second report corroborating the madness. From Millbank he passed on to Bethlehem Hospital ("Bedlam"), but in the eight months following he showed no symptoms of madness at all. Accordingly he was again sent to Millbank by order of the Secretary of State, and eventually went to the antipodes.

There were many other criminals who came in these days to Millbank who belonged at least to the aristocracy of crime, if not to the great world. Some of them, to use their own language, were quite top sawyers in the trade. None in this way was more remarkable than old Cauty, who was called the "father of all the robbers." Few men were better known in his time and in his own line than Cauty. He was to be seen on every race course, and he was on friendly terms with all the swells on the turf. He had a large acquaintance also among such of the "best" people in town as were addicted to gambling on a large scale. He was in early life a croupier or marker at several west-end hells; but as he advanced his years he extended his opera-

tions beyond the Atlantic, and often made voyages by the West Indian packets. He liked to meet Mexicans and rich Americans; they were always ready to gamble, and as Cauty travelled with confederates, whose expenses he paid, he seldom lost money on the cards.

These, however, were his open avocations. Under the rose for many years he devoted all his abilities and his experience to planning extensive bank robberies, which were devised generally with so much ingenuity, and carried out with so much daring, that a long time elapsed before the culprits could be brought to justice. He had many dexterous associates. Their commonest plan of action was to hang about a bank till they saw some one enter whom they thought likely to answer their purpose. They followed and waited till the victim, having opened his pocket-book, or produced his cheque, was paid his money over the counter. At that moment a button dropped, or a slight push, which was followed by immediate apology, took off attention, and in that one instant the money or a part of it was gone—passed from hand to hand, and removed at once from the building.

Cauty came to grief at last. Of course he was known to the police, but the difficulty was to take him red-handed. The opportunity arrived when, with an accomplice, he made an attempt to rob the cashier of the London and Westminster Bank of his box. They were both watched in and out of the bank in St. James's Square day after day. The police kept them constantly in sight, and the cashier himself was put on his guard. The latter admitted that the cash-box was at times left unavoidably within the reach of dishonest people, and that it contained property sometimes

worth £100,000 or more. But if the police were patient in the watch they set, the thieves were equally patient in waiting for a chance. Once at the moment of fruition they were just "sold" by the appearance of a police-sergeant, who came in to change a cheque. But at length, almost like a conjuror does a trick, they accomplished their purpose. Cauty went in the bank first, carrying a rather suspicious-looking black bag. Three minutes afterwards he came out without it, and raised his hat three times, which was the signal "all right" to his accomplice. The latter, Tyler, a returned convict, thereupon entered the bank in his turn, and almost immediately brought away the bag. The two worthies were allowed to go without let or hindrance as far as the Haymarket, and then secured. The black bag was opened—inside was the cash-box.

This brought Cauty's career to an end. He got twenty years, and then it came out how extensive was the business he had done. Through his hands had passed not a little of the "swag"* in all the principal robberies of the day—all the gold from the gold-dust robberies, all the notes and bills stolen from big banking houses. It was said that in this way he had touched about half-a-million of money.

Some years afterwards another leader and prince in the world of crime was unearthed in the person of a Jew—Moses Moses—whose head-quarters were in Gravel Lane, Houndsditch, and who was discovered to be a gigantic receiver of stolen goods. He was only detected by accident. A quantity of wool was traced to his premises, and these were thereupon rigorously examined. In lofts and so

* "Swag" is the proceeds, in cash or otherwise, of any felonious transaction.

forth, and other hiding-places, were found vast heaps of missing property. Much was identified as the product of recent burglaries. There was leather in large quantities, plush also, cloth and jewellery. A waggon-load of goods was, it was said, taken away, and in it pieces of scarlet damask, black and crimson cloth, doeskin, silver articles, shawls, and upwards of fifty rings. An attempt was made to prove that Moses was new to the business, and had been led astray by the wicked advice and example of another man. But the Recorder would not believe that operations of this kind could be carried on by a novice or a dupe, and he sentenced Mr. Moses to transportation for fourteen years.

For unblushing effrontery and insolence, so to speak, in criminal daring, the case of King the police-officer and detective, is almost without parallel. Although supposed to be a thief-taker by profession, he was really an instigator and supporter of crime. He formed by degrees a small gang of pickpockets, and employed them to steal for him, giving them full instruction and ample advice. He took them to the best hunting-grounds, and not only covered them while at work, but gave them timely warning in case of danger, or if the neighbourhood became too hot to hold them. His pupils were few in number, but they were industrious and seemingly highly successful. One boy stated his earnings at from £90 to £100 a week. King was a kind and liberal master to his boys. They lived on the fat of the land. Reeves, who gave information of the system pursued by King, said he had a pony to ride in the park, and that they all went to theatres and places of amusement whenever they pleased. The rascally ingenuity of King in turning to his own advantage his oppor-

tunities as an officer of the law savours somewhat of Vidocq and the *escrocs* of Paris. King got fourteen years.

But the most notorious prisoners in Millbank were not always to be found on the "male side." Equally famous in their own way were some of the female convicts—women like Alice Grey, whose career of imposture at the time attracted great attention, and was deservedly closed by committal to Millbank on a long sentence of transportation. Alice Grey was a young lady of artless appearance and engaging manners. Her favourite form of misconduct was to bring false charges against unfortunate people who had never seen her in their lives. Thus, she accused two boys of snatching a purse from her hand in the street, and when a number were paraded for her inspection she readily picked out the offenders. "Her evidence was so ingenuous," says the report, "that her story was implicitly believed, and the boys were remanded for trial." As a sort of compensation to Miss Grey (her real name was "Brazil," but she had several—among others, Anastasia Haggard, Felicia Macarthy, Jane Tureau, Agnes Hemans, etc.) she was given a good round sum from the poor-box. But she was not always so successful. She was sentenced to three months in Dublin for making a false charge, and eighteen months soon afterwards at Greenock. At Stafford she accused a poor working man of stealing her trunk, value £8; but when put into the box she was taxed with former mistakes of this kind, whereupon she showed herself at once in her true colours and reviled every one present in a long tirade of abuse. Her cleverness was, however, sufficient to have made her fortune if she had turned her talents to honest account.

There was more dash about women like Louisa M. or Emily L. The former drove up to Hunt and Roskell's in her own carriage to look at some bracelets. They were for Lady Campbell, and she was Miss Constance Browne. Her bankers were Messrs. Cocks and Biddulph. Finally she selected bracelets and head ornaments to the value of £2500. These were to be brought to her house that evening by two assistants from the shop, who accordingly called at the hour named. The door was opened by a page. "Pray walk upstairs." Miss Browne walks in. "The bracelets? Ah, I will take them up to Lady Campbell, who is confined to her room." The head assistant demurred a little, but Miss Browne said, "Surely you know my bankers? I mentioned them to-day. Messrs. Hunt and Roskell have surely satisfied themselves?" With that the jewels were taken upstairs. Half an hour passes. One assistant looks at the other. Another half-hour. What does it mean? One rings the bell. No answer. The other tries the door. It is locked. Then, all at once discovering the trap, they both throw up the window and call in the police. They are released, but the house is empty. Pursuit, however, is set on foot, and Miss Constance Browne is captured the same night in a second class carriage upon the Great Western Railway, and when searched she was found to have on her a quantity of diamonds, a £100 note, rings and jewellery of all sorts, including the missing bracelets. She had laid her plans well. The house—which was Lady Campbell's—she had hired furnished, that day, paying down the first instalment of £42. The page she had engaged and fitted with livery also that very day, and the moment he had shown up the jeweller's men she had sent

him to the Strand with a note. Here was cleverness superior to that of Alice Grey.

Probably Emily L. carried off the palm from both. As an adroit and daring thief she has had few equals.* She is described as a most affable, ladylike, fascinating woman, well educated, handsome, and of pleasing address. She could win almost any one over. The shopmen fell at her feet, so to speak, when she alighted from her brougham and condescended to enter and give her orders. She generally assumed the title of Countess L., but her chief associate and ally was a certain James P., who was a lapidary by trade, an excellent judge of jewels, and a good looking respectable young fellow—to all appearance—besides. They were long engaged in a series of jewel robberies on a large scale, but escaped detection. Fate overtook them at last, and they were both arrested at the same time. One charge was for stealing a diamond locket, value £2000, from Mr. Emanuel, and a diamond bracelet worth £600 from Hunt and Roskell. At the same moment there cropped up another charge of stealing loose diamonds in Paris to the tune of £10,000. Emily was sentenced to four years, and from the moment she entered prison she resolved to give all the trouble she could. Her conduct at Millbank and at prison, to which she passed, was atrocious; and had the discipline been less severe she would probably have rivalled some of the ill-conducted women to whom I referred in the last volume. But at the expiration of her sentence she returned to her evil ways, outside. Brighton was the scene of her next misfortune. She there entered

* She is just now (1875) at large, and was seen lately in her carriage, in a crowded thoroughfare, by one of the Millbank female officers.

a jeweller's shop, and having put him quite off his guard by her insinuating manners, stole £1000 worth from under his nose, and while he was actually in conversation with her. The theft was not discovered till she was just leaving Brighton. Apprehended at the station, she indignantly denied the charge, asserting that she was a lady of high rank, and offering bail to any amount. But she was detained, and a London detective having been called in, she was at once identified. For this she got seven years, and was sent to Millbank once more. This extraordinary woman, notwithstanding the vigorous examination to which all incoming prisoners are subjected, succeeded in bringing in with her a number of valuable diamonds. But they were subsequently discovered in spite of the strange steps she took to secrete them.

Some of the names with which I shall close this chapter are so well known that it is useless to attempt disguise. Agar, "Jem the Penman," "Velvet Ned," Poole, Pullinger, Redpath, Robson—the particular felonies of which these criminals were guilty are still fresh, no doubt, in the minds of many. But I cannot omit them from the Millbank calendar, as they were certainly not the least notorious of those who passed through the prison.

"Velvet Ned" was one of the greatest and most successful cracksmen in England. It was he, with Scottie Brown and Caisley, who broke open the iron safe at the shop of Mr. Walker the watchmaker. This was a case that created some excitement at the time, because Mr. Walker brought an action against the patentees of the safe. They had certified that it must take at least eleven hours and a half to break it open: a statement altogether ridiculed by

"Velvet Ned," who when in custody declared he had opened it—and could any other—in less than a couple of hours. Caisley was the "approver," who turned Queen's evidence and gave the judge full information how the job was done. As it needed much hammering and wedging, and there was a policeman on the beat close by, it was necessary to watch for his approach to knock off work. Caisley was on the roof, and as he heard the footsteps of the policeman he rang a bell which communicated with the room in which the safe was. These prisoners when at Millbank were supposed to have several thousands to their credit in various banks, but in other names. In their days a felon's property was confiscated, and to preserve it the greatest caution was required.

Never, perhaps, was such unrivalled patience and ingenuity devoted to a base end as in the robbery of bullion upon the South Eastern Railway in 1855. All attempts to unravel the mystery were quite unsuccessful. It was known that the gold had been abstracted between Boulogne and Paris, and that was all. The boxes from which it had been stolen were iron-bound, locked and deposited in iron safes, also locked with patent Chubbs. The keys of both box and safe had been throughout in the hands of confidential officials, and the boxes themselves had been conveyed in the guards' van. Probably the secret would have remained hidden for ever, but for the meanness of one of the accomplices.

In 1855 a man named Agar was tried and sentenced to "life" for forgery—after a certain term at Millbank, he went thence to Pentonville, and on to Portland. While at Portland he heard by letter that his wife and child were

in distress, although at the time of his conviction one Pierce, an ally in various undertakings, had promised to provide for them. Enraged against Pierce, Agar came forward and confessed voluntarily that he and Pierce, with two others, were the men who had stolen the bullion two years before. Agar's evidence was most circumstantial and graphic. Pierce, who was ticket-porter, had originally proposed the robbery, but Agar would not agree, thinking it impracticable. He said, however, if impressions of the keys could be obtained he would carry out the job. Some time elapsed; the matter was dropped, then reopened. At length Pierce and Agar went down to Folkestone, took lodgings, and devoted themselves to watching the trains in and out. They did this so constantly that they themselves were at length watched by the police, and they had to leave the town. But Agar had noticed the arrival and departure of the bullion, and on one occasion had seen the chest opened. A clerk came with the keys, which he afterwards deposited in the cash till. Agar therefore returned a little later to Folkestone, and tried to make friends with this clerk; but all to no purpose. He was "a very sedate young man," who would not be seduced from his allegiance. At length Agar and Pierce managed to get into the railway office one day, while the clerks were absent, and took impressions in wax of the keys.

Two others were in the "swim." Burgess, one of the guards, and Tester, who was station-master at Dover. It was arranged that Agar should go down several times with bullion in the van with Burgess, so as to try the false keys. He did go—seven or eight times before he

could get them to work. But at length, when all was ready, they prepared a number of bags of shot, and went to the station more than once when Burgess was guard. At length one night he gave the signal, wiping his face as they passed. Bullion was to go down that night. Tester and Pierce took tickets. Agar waited on the platform till the train was in motion, then jumped into the guard's van, and Burgess covered him with his apron. Agar soon set to work. Opening one safe, he extracted a wooden box, sealed, and fastened with iron bands and nails. This he broke into and took from it four bars of gold, replacing by shot the precious metal. The gold itself was put into a bag and handed out to Tester at Reigate, who returned with it to London. The next box Agar opened contained American gold coins; the third, small bars of gold. Just as much of each was removed as they had shot to make up weight with. The safes were taken out at Folkestone, but Agar and Pierce went on to Dover. Here they had supper, and then went back to London by the 2 A.M. train, carrying with them two carpet bags "that appeared to be particularly heavy." The gold, which was in value about £12,000, was all melted down at Agar's house in Shepherds Bush, and part of the ingots disposed of. Pierce, Tester, and Agar got each £600, Burgess £700. Tester and Burgess were sentenced to fourteen years' transportation, and Pierce to two years' imprisonment. Agar soon afterwards went to Australia. The others did their "time" between Millbank and Portland, and were eventually released on ticket-of-leave at home.

A more serious robbery than this had occurred some years previously on the Great Western Railway, also through

the connivance of the guard. At that time the mail bags were carried in the guard's van. This was well known, and a plan was accordingly concocted in London to rob the mail on its journey. One of the guards, P., was enticed to join; and a first class thief, one Nightingale, a shrewd active fellow, was sent down from town by the swell mob to carry out the robbery. A third man, Warrup, a mere tool, was called in to assist. Nightingale and Warrup having called tickets in the usual way, passed along the train while it was in motion till they got to the guard's van. There P. was waiting for them, and all three fell forthwith upon the mail bags, from which letters, containing money and other securities, were abstracted to the value it was said of nearly a million of money. As soon as the robbery was completed, P. had the train slackened to allow his accomplices to jump down and make off across country with their booty. All three were, however, eventually apprehended, and sentenced to long terms of transportation.

P. was removed later on from Millbank to Bermuda, where he distinguished himself greatly during an epidemic of yellow fever, during which the hulks were decimated and hundreds of both officers and convicts were swept away. P., at a time when others feared to go near the sick, had, singlehanded and alone, the charge of two whole shiploads. For his courage and devotion he was specially pardoned and returned to England. I believe he is now doing well somewhere in the west country.

I will close the chapter with a short account of Saward, or "Jem the Penman," who was long considered by the swell mob one of the most useful men in London. He was

the master mind of a gang of forgers who committed great depredations before they were discovered. He had been called to the bar and was an excellent scholar, besides which he was endowed with great intelligence and ingenuity of mind. Whenever blank cheques fell into the hands of burglars they were passed on into Saward's hands to be if possible made use of. It was Saward's business to ascertain who kept accounts at the various banks for which the cheques were valid, and the amounts which might safely be drawn. He had also to provide the necessary signatures. There were many methods of obtaining them; but a favourite one was to call on a solicitor and beg of him to recover a debt from Mr. So-and-so. By-and-by Mr. So-and-so paid his bill, and the solicitor passed the money on to his client by cheque. Clumsiness on the part of one of his agents, who applied to three different solicitors at the same time with the same story, led first to suspicion and then to full discovery. Saward at Millbank looked like a common drunken sot, but he conducted himself fairly well in prison.

A "BIG" CRIMINAL.

CHAPTER VIII.

THE MILLBANK CALENDAR (*Continued*).

OLD prison officers have often remarked to me that there is a great deterioration in the physique of convicts, taking them as a class. On this point doctors differ. Many prison medical men support the theory; on the other hand, Dr. Guy's exhaustive statistics are opposed to it.* Nevertheless, the

* Results of the Censuses of Convict Prisons in England for 1862 and 1873, by Wm. A. Guy, M.B. In a preface to this pamphlet Colonel Du Cane, C.B., R.E., remarks: "It is curious to find that the opinion so generally expressed by medical officers of prisons and others, that the male convicts are less physically able-bodied than in former years, is not at all borne out by these statistics. Some difference, in fact, of the present condition in that respect is no doubt due to the retention in this country of

fact remains that one type of criminal who was once constantly to be met with in our convict prisons is seldom seen now. I allude to the burly, brawny scoundrel, well built, strong and able, to whom crimes of atrocious violence were as child's play. That ruffians of this class exist to the present day we have evidence just now in the criminal records of some of the northern counties; but as the law is at present administered, these clog-kickers and wife-beaters are not generally consigned to the government prisons.* It may be that the new race is not as the old was; or, more probably, under modern prison management the criminal class do not thrive to the same extent. But at Millbank, in the days of which I write, there were many fine specimens of this now rarer criminal. One ward was especially filled with them. These were half of them murderers; some of them had even a second sentence of "life" recorded against them. The discipline to which these men were subjected was not of a kind to keep them in proper subordination. They were petted, and persuaded, and made much of. Anything that might annoy or irritate them by word or deed was most scrupulously avoided. It was "please" here, and "please" there, to which the only answer was a curse, and often as not a distinct negative or refusal. Several of these men were afterwards leaders in the revolt at Gibraltar, when the deputy-governor was stabbed. A prominent figure in this mob was Mark Jeffries, a tall Irishman,

able-bodied men who were at the time of the last census transported, but transportation had been very limited for some years previous to the last census."

* But I believe that quite lately several offenders of this class have been sentenced to penal servitude. One of them died in Millbank, in the early part of this year (1875), by his own hand.

six feet and more in height, who was the terror of nearly all the officers who came near him. He was a most uncultivated savage scoundrel, who refused to obey orders or submit to any discipline at all. If he was in his cell and wanted anything, he simply kicked for half an hour at his door with the toe of his hob-nailed boot, disdaining altogether the use of a signal stick.* If it was necessary to take him before the governor or to the board-room, half a dozen officers were hardly strong enough for the task. They were all afraid of him; many indeed carried knives to defend themselves against his brutal violence. Hardly inferior in coarse ferocity was George Talmage, a Manchester man, who was famed for his skill in "putting on the crook"—a practice older in criminal traditions than that of garroting, but quite as effectual. The present plan, I am told, is to put a thumb on each side of the victim's head behind his ear, and press his jugular vein till he becomes unconscious. "Putting on the crook" is performed by throwing the left arm round the neck of some unsuspecting person, bringing the left knee into the small of his back, and then pulling back his head by the hair with the hand that is free. While this treatment is in progress by one from behind, others work in front and rifle the victim's pockets. If held too long in this position, death of course ensues. Talmage was a great professor in this line of business: he was a short, stout man, of immense strength, with a large head and a thick neck like a bull's, and his grip was not to be got away from easily. Still he declared he had never

* A narrow slit in the wall of a Millbank cell allows the passage of a thin "signal stick," by which means the ward officer's attention is called to the wants of any particular prisoner.

murdered any one; that is to say, he had never beaten out anybody's brains. But he had choked four,—by pure accident, of course. He had held them a little too long in the crook, but "that wasn't like murder, oh dear no!" Talmage had worked chiefly in the country, and his victims were generally people returning from market with the proceeds of their sales in their pockets.

In his way, Isaacs the Jew, who went at the time by the *alias* of Fletcher, and who murdered warder Hall in Millbank, November, 1849, was quite as great a ruffian as any to whom I have referred. Isaacs was comparatively young. At the time of the murder he was little more than twenty-five or twenty-six—a stout-built, red-haired youth who had been a thief from infancy, and who had been already once or twice at the hulks. He was always badly behaved, and was continually under punishment at Millbank. One day he said openly to an officer, "I'll murder some one, and soon." "Well, why not me?" replied the officer. "No, no; you're too big, and I've known you too long." Time passed, and Isaacs' threat was forgotten. By-and-by he came to be under the control of warder Hall, a mild, easy-going fellow, who had once been a publican, but who had no idea of dealing with such desperate villains as Isaacs. He treated the prisoner always with the utmost leniency, but there was no such feeling as gratitude in the breast of Isaacs, and he resolved to do for Hall. He got his opportunity when out of his cell one morning emptying his basin. Hall was stooping down over a writing-desk, making an entry in one of the ward-books. Without a moment's warning Isaacs rushed on Hall and knocked him down with the basin. Hall was stunned by the fall, and

while thus helpless, Isaacs battered out his brains, long before help could arrive.

It was of course taken for granted that Isaacs would be inevitably hanged. But he escaped on the plea of lunacy. Even before his trial came off, so say the traditions of the place, he seemed to know that he would escape capital punishment. Some one went to see him in his cell on the day of poor Hall's funeral. "Do you hear them tolling the bell for poor Hall? You'll be hanged for this, Isaacs." "I shan't—not I," said Isaacs. "The Rabbi was here last night. He'll get me off. There hasn't been a Jew hanged this hundred years." Rightly or wrongly, Isaacs did in effect escape the extreme penalty of the law. He was found guilty, but respited as insane, and removed to Bedlam, where they kept him, so it was said, in an iron cage for a couple of years. Within a month or two another and a similar attack was made on an unsuspecting officer, but happily without fatal results. The warder showed fight and defended himself till help arrived, but he was none the less severely mauled.

Other men of this savage character were to be found in plenty in those days at Millbank. There was Elijah Bullick, who travelled to and fro between Millbank and Pentonville, Dartmoor, Portland, and the hulks, and was found incorrigible in all. On one occasion, at Millbank, he struck an officer in the face in the middle of divine service. Edward Grey was no better. He, too, was moved from one prison to another, but could be tamed in none. Eventually his career of violence was brought to an end by his death, of which he was himself the cause. Climbing up to look out of the window when in a refractory cell,

he strained himself so badly that death ensued. Death had been recorded against Michael Henry, for attempting to murder an officer in Exeter gaol; but he came to Millbank with a commuted sentence of transportation for life. Here his conduct continued throughout desperate in the extreme. Soon after his arrival he made a second and nearly successful attempt on the life of one of the prison officers. He then passed on to Gibraltar, where he was the terror of all who came near him. For a third attempt at murder he was tried for his life, and sentenced a second time to the extreme penalty of the law. But he again escaped, and was sent back to Millbank, where he remained for many years. The case of John Gough was nearly parallel. He went from prison to prison, fighting, slashing, and trying to murder every one he could. For an attempt to murder an officer at Dartmoor he was sentenced to death at Exeter, but returned instead to Millbank. This prisoner's conduct was so atrocious that it would have been quite inexplicable except on the grounds of madness. He was subject, it appeared, to fits of maniacal rage, at which times it took several men to hold him and prevent him from tearing the flesh off his hands with his teeth. Gough left prison only last year (1874).

The gang known as the Uckfield burglars was also a product of these times. This was an admirably planned organization for evil, and while it lasted it was strangely powerful. The year 1851 was remarkable for the number and atrocity of its burglaries. It was at this period that the Frimley murder was perpetrated by burglars, who were, however, captured; but those at Uckfield got off scot free, —at least, if they were lodged in Millbank it was not for

this particular offence. Their operations were extensive. For a long time they kept three counties—Surrey, Sussex, and Kent—in constant dread. Their most daring act was breaking into a house near Lewes, inhabited by certain maiden ladies. The night was dark and tempestuous, and under cover of the storm they broke into the dairy through a lattice window, thence to the cellar, and so to the kitchen. After that the gang divided into two parts. One half attacked the man-servant, the other proceeded to rouse the old ladies. The butler showed fight, but he was disarmed and forced to confess where the plate was kept. In the same way the ladies were terrified into giving up all their valuables. These ruffians were disguised in masks of black crape, and they were all armed with either staves or pistols. The ramifications of the confederacy were wide. It embraced a number of stationary accomplices, who worked as shoemakers, basketmakers, and so forth. The spies trudged about in the guise of hawkers, or simply as tramps. In all cases the will of the captain was supreme; mutiny was punished by death, and so were cowardice and desertion from the colours of the corps.

The transition seems complete from such stalwart ruffians who made a capital of their strength, to cripples like Mason, the man known as "the devil on two sticks," or "Crutchy" Jones. But the latter, though maimed and halt, were not disabled, and in their own way they did quite as much mischief in prison or out. Mason was an experienced thief, but he was chiefly notorious for his persistent misconduct in prison. He was so fluent of speech that he possessed extraordinary weight among his comrades, and could persuade them almost to anything. He was full of tricks and

artful dodges. At one time he had followed the calling of a sheriff's officer; and he used to recount with pride his success in serving writs. None of these was better executed than the one in which he made friends with the debtor's dog, putting at length the writ into its mouth. The little animal trotted confidently into his master's house, and gave the writ into his hands, as he had been taught to do with other things. Of course the writ was actually served. Mason was paralyzed in his lower limbs, but still was dangerously active, and if thwarted or out of temper he stopped at nothing. On one occasion he sharpened the point of a pair of scissors, and took post near the chapel door, meaning to stab the governor just as he entered his pew. But he was detected before any ill-consequences ensued. Mason eventually died of poison. He had been given some belladonna ointment for outward application; he took it internally, hoping thereby to make himself ill enough to be taken into hospital. But he swallowed too much, with fatal results.

"Crutchy" Jones first came to Millbank twenty-five years ago, when quite a lad. He is there now, as I am writing these lines, doing his fourth or fifth sentence, under the name of McQuinn, which is, I believe, his proper designation. Watches were the rock on which he split. He is said to be one of the best judges of a watch in England; and at his last affair, when taken red-handed with one which he had but just removed from a gentleman's fob, Crutchy declared that he only borrowed the watch for a moment to look at the works. All his convictions were for stealing watches: sometimes working alone, sometimes in company with others. His speed on his crutch was quite remarkable:

though crippled he could run faster than most men using both their legs, and he could climb a pole against any acrobat or sailor in the world. He is really a genius in his way. While at Dartmoor, to which place he was sent from Millbank, he invented an apparatus for cutting turf, which had in it all the elements of success, had it had a fair trial. Another of his schemes was a patent for raising sunken ships. He was really without education. What he knows of reading and writing he has picked up in prison. Inside he is famous as a prison lawyer, and will argue by the hour—if allowed—the rights and wrongs of himself and his fellow-prisoners. One of his favourite amusements when in a punishment cell at Dartmoor, was to go through his trial at the Old Bailey from beginning to end. He could mimic the voice of the judge; would give the counsels' speeches and the cross-examination *in extenso*, and to the life.

A more painful phase of human nature is to be found in the insane criminals, with whom Millbank has at times had plenty to do. For years the prison has been the receptacle of all convicts who become insane during their imprisonment. A distinction must be drawn between these and offenders found on arraignment, of unsound mind, together with those actually tried but acquitted on grounds of insanity, all of whom are then and there ordered to be kept in a criminal lunatic asylum during the Queen's pleasure. The Millbank lunatics are sane when sentenced; mental aberration has not shown itself till after they have been consigned to prison. But feigned insanity is no new wile with convicts, and to guard against imposture, all who betray symptoms of this kind are thereupon removed to Millbank for "further observation." A second medical

opinion is thus obtained upon the case of each—a matter of no slight importance; and, by thus bringing the lunatics together in a body under one system and one supervision, increased facilities are gained for dealing with them singly or in the aggregate.

But for these reasons there are at times a large proportion of insane prisoners temporarily at Millbank. Taken in connection with the Millbank population, this proportion has often appeared extraordinarily large, and certain theorists have found therein a peg on which to hang an unfair comparison between lunacy and crime. As Millbank got all lunatics from all government prisons, the ratio should have been struck—not against the 1100 that Millbank held, but against the total prison population of seven or eight thousand souls.

It may be taken for granted, of course, that all the common cases, such as are seen at ordinary asylums, would be found also among criminal lunatics. But the latter have certain peculiarities of their own. I do not refer merely to such curious vagaries as the consumption of pebbles, blankets, and gutta-percha pint-pots, which these men have been known to eat in great quantities,* but to certain special phases of insanity to which criminals appear alone liable. Although the whole subject is somewhat too painful to be treated otherwise than in sober seriousness, some of the cases seen at Millbank are too curious to be altogether omitted from these pages. I propose, therefore, to enlarge upon sundry of the groups into which criminal lunatics may

* One prisoner swallowed pebble after pebble, as fast as a man eats peas, till he got 4 lbs. of stones inside him. Another preferred blankets, which he tore up into bits six inches square—to his regular diet. This man made nothing of a pound of candles if he could get them.

be divided. Among such may be mentioned strange forms of delusion, of hallucinations, of religious mania, of exaggerated destructive tendencies, of curious attempts at suicide, and last of all, of persistent feigning, ending at length in real insanity.

Criminal lunatics probably suffer more than any from delusions in various forms. Prominent among these are mistaken notions of ill-usage. For instance, numbers are possessed with an invincible suspicion that their food has been poisoned. To combat this they are allowed to choose their own from a group of a dozen or more tea-cans and dinner-tins; but even then they are hardly satisfied. Of course, the fact of their taking this supposed fatal food for weeks and months together, without the least harm to themselves, is not a sufficient argument to them as it would be to others. No matter what measures are taken to convince them, they return persistently to the charge. One says his food does him no good and barely keeps him alive—"no wonder, when there are flies put in it." He feels certain that the doctors have combined together to murder him, so he puts his finger down his throat to see what there is on his chest. If he could only muster up courage he would murder the doctor, and so save dozens of lives. They might take him to the gallows; but so much the better—the truth would come out. He declared at another time the doctor was only keeping him to make a living lantern of him—till he is so reduced in flesh that people can see through his side with the naked eye. The doctor will then publish what he sees for the instruction of students, and so gain a name like Doctor Jenner.

Another complains bitterly of the insults passed on him

from day to day; they will send him grease in with his food,—lamp oil it is, which is intended to injure him, to dry up his brain and make his eyes run over. He was drugged till his head was actually bursting. H. said that his broth was enchanted, and that he had a ring in his throat. P. refused his dinner because the tin was marked with a white cross:*—that meant mischief, he said. One said he had mercury put into his barley-water merely to annoy him. F. L. gave a great deal of trouble in this respect. He declared that at another prison a man got his (L.'s) dinner by mistake, and was never heard of more. L. always refused his food if the cup or tin was in the least bent or disfigured. Another man, G., will not allow any one to see him eat or drink, but hides behind his bed at meal times, lest the officer should lay a spell upon his food. Everything W. gets is adulterated, even the water. The bread is poisoned, and he will drop a corpse sooner than eat a morsel of food. L. declared isinglass and laughing gas were given him in his cocoa, and swelling powder which made him as big as a mountain. The laughing gas was to keep him in good humour, but it tastes like candle tallow, and only makes his pulse beat the faster. It is all meant to turn him silly. But the officer will be clever who persuades him to take it. Another cunningly refuses his food because if "they" knew he took it they would put something into it. R. was especially suspicious of his food; rejected the milk brought him because there was a crumb floating in it. At another time he gets very angry because there are three spots on the egg brought to him.

* In the prison kitchen, for convenience in issuing provisions, it is customary to mark each batch of tins with numbers, crosses, and so forth.

"What are they here for?" he asks. "What is the meaning of this?" It was impossible to persuade him that nothing could well be put inside the shell of an egg. As a rule this man insisted on the officers eating a portion of every ration first.

These are but a few of the cases which indeed might be multiplied without end. A second form of delusion as to ill-usage, is the dread of the determined hostility of all or a portion of the officials towards them. They fancy themselves victims of conspiracies against them; and assert that they hear the officers concocting schemes to do them injury, sometimes outside their doors, or in the airing-yards, or wherever they may be brought in contact. Thus A. T. asserts that the whole of the officers and prisoners persist in telling lies about him, and making false charges. They accuse him of being (1) a Fenian; (2) a haymaker; (3) that he is acquainted with men outside who have committed a robbery; (4) that he is a pickpocket; (5) that he is in the habit of passing bad coin. There are in all forty charges, he says; but he stuffs his ears with cotton wool, so that he may hear none of them.

A third common form is the influence of electrical machines. In this respect many labour under most extraordinary delusions; fancying for instance that they are still under the influence of a governor of a far-off prison, who they think can affect them still even at that distance. In this way one has the magnesium light turned on him; or they blow mercury into his head, which makes it rotten; or attack his eyes, so that he has to wear a handkerchief over them to keep the electric flashes out. Another declares that the doctor is in the tower working a machine

which sends electric shocks up through the flags, and under his bed and up into his legs, which prick him like a needle. A third writes as follows, to his friends: "One mode of torture in this modern inquisition is the toothache, earache, tic-douloureux, and thrilling pains in the gums, which I have had all together; and various pains which they put on regular for complaining; they also give me the toothache every meal time, and sometimes for twenty-three hours every night." F. declares that he had the gas turned on to him, after which he was made insensible and drugged with opium. Then Madame Rachel was brought in to take a plaster cast of his head; but the wax was put on so hot that it has injured him for life.

More sad than any of the foregoing, are the delusions of wealth and grandeur: symptoms of a grave description these, because they usually end in the general paralysis of the insane. They are extraordinarily prevalent among criminal lunatics, and show themselves in many curious shapes. E. W. said he was paid £1000 a day while he was kept in Millbank. This was for looking after the prisoners. He is to be made king of the moon; no one else has any right to it. He does not want to go to Heaven, he has the moon for a dominion to all eternity. Draws his crest on a slate—a circle topped with a crown, and inside an orange blossom. Then tells off his servants, with their wages opposite each. They are all to wear gilt buttons, and to have £700 a year apiece. He styles himself "Your Royalty," and says he means to come down on the national debt to pay all expenses. Another, S. I., has power over the sun; can make it shine when it is a wet day. He has power also over the moon, and means to

make the sun and moon change places. In fact he can move the sun which way he pleases; and he is for ever climbing up to the window to see the moon rise. G. D. announces that he is the Prince of Wales—prophet, priest, and king. This man says the Queen is his god-mother, and that he means to get the doctor a good government appointment for restoring his eyesight. B. C. states gravely that he is commander-in-chief, conqueror, and emperor of the world; he has besieged millions of castles, and carried off thousands of golden boats. But the officers have robbed him of all, and besides, of a number of field and pawnbrokers' chronometers. He says next that he is Baron Rothschild; that he owns steel mountains, and mountains of gold, banks also, and breweries, and pawnshops without number. He thinks nothing of spending £1000 a day; often goes to Paris for a fortnight, and gets through thousands of pounds. O. B.'s sister, again, is Queen of New York, and he has an army of several millions in Wales fighting to get him back to the throne. He has a number of half-crown tickets to give away, he says; he has got thousands of them, but the officers shall not have them, only the poor. He shall have an ox killed without delay, and so much given to each officer according to the number of his children. J. R. has had a long law suit, he says, but he has proved his legitimacy at last, and has won the estate. He is the owner now of R—— Park, but of course there is a steward to look after it while he is himself away. This man is so rich, that when he is given some cloth to do repairs with, he makes it up into two great pockets inside his coat, and said they were an investment for his money. At another time he is king of Woking, and

Colonel of the Madras Fusiliers; sends his compliments to the Governor of Millbank, and informs him that either the prison or the neighbouring gas-works must come down —they are too close together. J. R. then decides himself that the prison shall fall, and thereupon marks off the whole of the cells and corridors within his reach into lots, and labels them "for sale," with a bit of white chalk. After which he jumps on his bed to sell the whole place by auction, going through the whole performance most accurately. "Any advance? Who bids? Going, going, gone!" This man was so puffed up with his own importance that he could not bear the sight of the other prisoners, calling them common convicts, and treating them with the greatest contempt. Whatever they got was too good for them. Acorns and glue were the sort of stuff they should be fed upon.

Another group of delusions are those of great genius and great inventive power. One man says he is wiser than Solomon, that he has more knowledge in his finger nail than all the Solons in Europe. He has invented a machine by which thieves may be detected when they are breaking into a house, but he will only show it to the governor, for fear some one else should get out the patent first. Another, D. B., has invented a flying-machine, and he can make a pig fly—and "that is a very unlikely bird." Now he only wants feathers to make its wings. This he intended to have done with his hair and whiskers, only they have been cut off. However, he completes the machine and tries it, returning to inform his friends that he had put his head through the first heaven, but he could not breathe, and had to pull it back again. He only met a raven in his

flight, which seemed very much surprised to see him. "It is a glorious treat to sail around the world in a balloon." Next time he tries his wings he means to take up a box of cigars, to hand to those officers he likes as he passes the prison; but for those whom he hates he shall take up a bottle of vitriol, and drop it on their heads. To prove the value of his machine, he is to walk feet uppermost, along a rope stretched from the "doom" of St. Paul's to the top of the monument. Unfortunately at the last, he declared he was no longer able to fly, as he had been steeped in salt and water, and was now too weak.

In the case of T. K. the "invention" delusion went much further. He gave himself out as the sole inventor of the "cork ship," which no one knew how to build but himself and the Americans; and if they were to bring out a vessel of this kind it would sink the whole British fleet. He thinks it right our Government should know what a tremendous weapon they may have to contend against. However, he has plenty of the cork ships on hand, and will part with them if the Admiralty likes to speculate. He was continually harping upon these ships: night and day he asked every one who approached whether any answer had come from the Government on the subject. At last he got leave to write to the authorities himself. This is his letter:—

"Your excellency, considering the present state of the policies of Europe and America, and seeing that the best statesmen and politicians are hard at work trying to promote their own ends—when wars and rumours of wars happen to be one of the principal orders of the day, I think your excellency will not consider me rude, seeing

that I am an old acquaintance, for troubling you with this document at a time when it may be more than needed. My mean object in addressing your excellency at present, is to call the Prussian Government's serious attention to the very superior means that are now afloat both by sea and land for to accomplish warlike designs. The Prussian Government may or may not have satisfactory information of corked ships, but the sooner they shall have those ships the better for themselves. This corked style is altogether a new style for constructing heavy armour-clad war ships, far superior to the original style; they carry plates that make them superior to land fortifications, and I am told that nine or ten of them are sufficient to destroy all the war ships at present in Europe. They are to be found in the Mediterranean and the Baltic. Does the British and Prussian Government know this? (There are a few particulars in Alsace and Lourain, and in Berlin, that the Prussian Government would do well to know something about.) If your excellency will please put yourself in communication with the Secretary of State, or the first Lord of the Admiralty, you may hear of something to your advantage."

The letter was addressed to Count Bismarck, and poor T. K. waited in vain for a reply. At first he hoped for a large sum of money and his liberty as reward for the invention. But time passed, and he got neither the one nor the other. Latterly he took to standing in one particular place in the ward for two hours together without moving, and without speaking to or noticing any one the whole time, intent only on the door through which he expected the messenger with an answer to his important letter.

Last among the delusions, I must mention those of wrong-

ful detention, mistaken identity, unjust sentence, and so forth. These are naturally extremely common. Even sane prisoners almost universally persist in proclaiming their innocence; these of unsound mind therefore may be forgiven for falling into a similar error. The delusion shows itself mostly in the same way. Always asking to be set free, to be allowed to go home, to return to Newgate, to be sent back to their own town to be tried again on a new indictment, that they have been kept in prison over their time—these are the strings on which they harp for ever. Sometimes one more violent takes the law into his own hands, and tries to make his escape. Thus W. R. gets up one morning and says he is not in his right place. He has had enough of this crib. "What is the damage for my night's lodgings?—I'm off. I only enlisted for nine months." After that he was always trying to run away. If he saw a door open he made straight for it. At early "unlocking" of the cells he would often gather up his clothes, both bedding and wearing apparel, and make a run for the gate. At other times he climbed to the window and tried to force his way through the bars. He was fond of remarking, "Ah, I lost a fine chance to-day: I could have got away easily enough," and so on.

The next principal group are hallucinations or delusions of the senses, either as to seeing or hearing. In the former cases the sufferer sees visions that are absolutely without corporeal existence; in the latter, hears sounds altogether imaginary. The visions are very various. One man is visited at night by the whole of his family; the wife and child of another come to see him in his cell, but Tim Dooley always appears and drags them away, holding a knife

to their throats. A third sees his father lying in front of him as plain as can be, with his throat cut. Others are worried by evil spirits. J. B. says they put bad words into his mouth when he is eating or saying his prayers. He sees them fly out of his mouth, and then back again right down his throat. Next they get into his hair, and he wants a small tooth comb to get them out. J. L. jumps suddenly off his seat one day, and rushes along the side of the wall, crying "I'll knock your ugly head off." When asked what it all meant, he replied an ugly devil with horns on its head was sitting at the edge of his bed. It had a two-edged axe ready to strike him. R. M. cries out "Fire! fire! the devils are having a banquet in my head." Then he rubs his head against the brick wall, and lies down underneath the water-tap to let the stream play on his head. At another time R. M. sees a man in front of him at night, dressed in white, continually grinning at him. Next, evil spirits float through the air and spit nasty stuff at him as they pass; sees little men, dwarfs all about, and wants to be bricked up in a dungeon so that no one can come near him. J. W. spends the night creeping under the different beds in the ward, saying there is some one after him with a carving-knife. H. J. walks about the yard very much excited, saying some woman is following him wherever he goes; runs first to one side and then to the other, and motions her away, his eyes full of water, and every now and then he gives a loud shout. F. L. sees white pigeons continually flying about his cell. H. P. is troubled with musicians in his head, playing fifes, violins, bugles, and drums. "Play up, play up!" he constantly cries, "get up the steam, you black devils—play up." To R. S., invisibles come in the

night and lift the corner of his bed and put animals underneath, and then screw him down through the back and head. But instances of this form of delusion might be multiplied indefinitely.

Religious mania is very prevalent among criminal lunatics. It is not easy to give any thoroughly satisfactory reason for this; but this fact is patent, that all prisoners are brought into closer and more continuous contact with religious matters than others of the same class who have kept always out of trouble. This is especially true of those sentenced to long terms of imprisonment. They hear the same expressions and witness the same ceremonies daily year after year. Good may—and undoubtedly does—at times result; but the inevitable consequence is that all are more or less saturated with the mere jargon of creeds, and can rattle off as glibly as you please all manner of formulas, scriptural names, expressions, texts, or tag ends of hymns. Hence it is that any among them who are disposed to feign madness not unfrequently adopt this line; while it is not impossible that others—brooding continually over these awful subjects in the solitude of their cells, with but a limited library and no escape from, or variety for, their thoughts—may and do actually become mad on the subject of religion.

I will describe briefly some of the most interesting cases of religious mania.

A. F. had been a soldier, and spent three years in prison out of eight for various military crimes. He was afterwards sentenced to penal servitude for burglary. Signs of mental derangement soon became apparent. This man was always thirsty, and he would drink all the water he could lay

hands upon. He said he drank water for the salvation of his soul. He does not know how soon he may be called upon to part from life. No one can hurt him: he has power over angels, and means to have all government prisons destroyed. P. C. says there is something wrong between him and the church, and he would like to go out to make it all right. He has a mission to preach the gospel and salvation; and is always quoting scripture. He is persecuted, but he will bring out the church brighter than a rose. He has more power than the Bishop of Canterbury. Next he is king of Italy, but does not know yet whether he is to announce himself as such or turn priest. He has received a prerogative from Heaven to write what is revealed to him; has indeed supernatural power bestowed on him for the benefit of the human race. This man is a curious contradiction. In the midst of his sermons he is often violent and abusive; throws a spittoon at an officer's head, and calls him all the vile names he can recollect. Alternately he prays and uses the most frightful imprecations. In the middle of regular prayers in the ward, just as the scripture reader is about to commence, P. C. throws his boots into the middle of the room so that they make a great noise. "Why did I do it?" he replies when asked. "It answered for itself. Do you see that hook in the wall? What is it for? It answers for itself."

I. H. spends half the day on his knees at prayer, but the moment he gets up he challenges a man to fight. He says he is not half enough punished for the crimes he has committed. H. McK. in the same way is always praying. In the airing-yard he rushes off to a corner and remains there on his knees, beating himself on the breast and calling aloud on

all the saints to save him. H. C. wishes to communicate his religious feelings to others: gives out prayers, and writes instructions for the other prisoners on every slate he can find, and when interfered with says he is only doing his duty. Some of these religious lunatics are very quarrelsome. They are always arguing, and the argument soon developes into a fight. Most are gloomy, many supremely contemptuous, as showing their great superiority over every one else. Others continually use most blasphemous expressions, crying out "Eli! Eli!" and asserting they are the supreme Being. One man is sent as ambassador to the pope—is the pope's equal. Another has been sent on earth to save sinners; a third has the keys of the gates of hell; a fourth says his father studied the Bible so much that it drove him mad.

A form of mania which is more often seen among criminal lunatics than with others is the tendency to destructiveness. There are some who, simply from irresistible impulse and quite without motive, will destroy everything within reach, even to their own manifest discomfort. One will break all the glass in his cell windows. Another will tear up all his warm clothing and body clothing specially issued to him. Even if fresh be supplied, he will tear that too into ribbons. J. F. actually took to tearing the nails off his toes, and when checked at this he attacked his finger nails. This man would never allow a button to remain on his jacket or waistcoat—tore them off as quickly as they were sewn on. The only remedy for cases like this is the use of a quilted canvas suit. W. M. when excited seemed actually compelled to commit some damage, walking up deliberately to the nearest chair, which he would smash to

atoms; doing the same with panes of glass, lamps, and crockery; throwing tin plates, tables, everything he could lay hands on, out of the window. T. J. violently resists all attempts to cut his hair; then when it is done he destroys his sheets and blankets, saying there is no more harm in that than in their cutting his hair. This was on a par with another who having torn up his clothes objected to be punished. "Why should I be punished? Job wasn't when he rent his clothes—I have Scripture proof of it: why should I?"

Suicidal mania is common enough among all lunatics, but none go the length of criminal lunatics in refusing all food and endeavouring to die by starvation.* The other attempts have nothing peculiar about them, and they are probably more easily checked so long as the lunatic remains in a prison, because prison officials are perhaps more keenly alive than ordinary asylum attendants to the necessity of strict searching to deprive dangerous men of anything that might possibly serve as a lethal weapon.

Feigned madness is naturally more likely to be seen among criminals than others. As a general rule ordinary people have little to gain by being considered mad; convicts, on the other hand, if they can succeed in imposing upon those in authority, are likely to obtain the benefit of release from severe labour, better diet, and a cheerful location at Broadmoor. Hence there are often cases of imposture sustained for periods almost beyond belief. With such men,

* This must, however, be qualified a little. An eminent physician mentions a patient who was so persistent that he had to be fed 8000 times with the stomach-pump. This is worse, I believe, than anything which has occurred in prison. The medical officer of Millbank informs me that he never knew any prisoner to refuse food for more than seven or eight days.

only the lynx-eyed prison medical officer, backed by long experience, sooner or later detects the flaw. Unless, indeed, as has happened, the wretched impostor goes too far, and from pretending too much, lapses at length into real insanity. T. W. was an instance of this. He arrived at Millbank shrewd of intellect and in excellent health. But soon his conduct became so eccentric that he was taken to the infirmary "for observation." For months he kept up the deception. The doctors thought all the symptoms feigned, and yet—such was the prisoner's pertinacity that they began to doubt. Through it all they maintained the closest watch, and under this the prisoner probably broke down. The extreme tension of his nervous system, persevered in night and day, was more than he could stand, so that finally he became undoubtedly mad, and was sent to a regular asylum. A similar case, so far as persistent imposture, was that of Richard Davis, who was tried at Maidstone, and sent to Millbank in 1854. This man acted the part so well that he was actually removed to Bethlehem Hospital, and thence to Fisherton Asylum. Sometimes he abstained from food and drink for as long as eight days together. However, he was returned to Millbank, and he confessed that he had never been mad at all. "A good sound flogging would have cured me," he admitted, frankly enough. Between 1850–6 cases of feigned insanity and assumed epileptic fits were extremely common in Millbank.

I have in the preceding pages touched upon the principal groups into which criminal lunatics—as seen for only a limited length of time—have generally grouped themselves. My remarks have been based mostly on personal observation, and they are unsupported by any special professional

knowledge, therefore they must be taken simply for what they are worth.

Over and above the several classes to which I have referred, most of which amounted to distinct insanity, there are many poor creatures among the criminals in prison, who are imbeciles only, and no more. It is among these weak-minded men that others more intelligent and more designing select their tools. They get into prison, these imbeciles, really through no fault of their own. They have been used as "cats' paws," and they are only to be pitied. The blame of their misdeeds rests more on their parents from whom they have inherited their mental shortcomings, and, even in a greater degree, on the vile tempters to whom these unsuspecting simpletons have fallen an easy prey.

THE "FIRST FLEET."

CHAPTER IX.

THE CONVICT SHIP.

No account of transportation beyond the seas would be complete without some reference to the passage out to the antipodes, which naturally was an integral part of the whole scheme. From first to last many hundreds of ships were employed on this service. Those that composed the "first fleet," under Captain Phillip, in 1788, head the list; last of all comes the steamer *London*, which went to Gibraltar in November, 1871. The *London* was the last prison ship that has left our shores. In the long interval between these

dates, the conditions under which deportation was carried out have varied not a little. Abuses in the earliest days were many and flagrant. As time passed, came all that was possible in the way of reform, and those charged with the execution of the system did their utmost to reduce the evils inseparable from it. But even to the last they were hardly obviated altogether; and this difficulty of carrying out under proper restrictions the removal of convicts by sea-passage to a distant land, is one—and by no means the weakest—of the many arguments against transportation.

At the close of the last century, and during the early years of this, when the whole system was still somewhat new and untried, the arrangements were about as bad as it was possible for them to be. I have already described * the horrors that were perpetrated in one particular convoy: the neglect and starvation, the sickness and the terrible mortality that ensued. These shameful proceedings were due entirely to the rapacity and dishonesty of the ship-captains, who sought to increase their profits by improper means. But no sooner was their misconduct brought to light, than any repetition of it was prevented by the enforcement of certain new and salutary regulations. The ships were no longer victualled by the contractors, but stores were put on board by the commissioners of the navy, and certain checks and safeguards were introduced to insure the issue to every man of his proper allowance. Nevertheless, the mortality continued at times to be disproportionately large. Especially was this the case in the ships *General Hewitt*, *Surrey*, and *Three Bees*; and, aroused thereby to the necessity of further reform, Governor Mac-

* Vol. ii. chap. i. p. 15.

quarie instituted at Sydney, in 1814, a full inquiry into the conduct of convict ships in general. Great alterations were recommended by Dr. Redfern, at that time the assistant surgeon of the colony. His suggestions embraced principally the points on which he was specially competent to speak—the necessity, that is to say, for the proper issue of clothing, sufficient diet and air space, with proper medical assistance if required. Most of his recommendations were adopted, and they were all amply justified by the diminished mortality in subsequent voyages. Previous to this period the owners usually provided a surgeon, who was paid by them, receiving only from Government, after the completion of his duty, a reward; but this reward was dependent on the production by him of a certificate from the Governor of New South Wales, to the effect that the latter was perfectly satisfied. The surgeon's letter of service stated that, on the production of this certificate, he would be recompensed for his "assiduity and humanity by a present at the discretion of His Majesty's Secretary of State. On the other hand, any neglect of essential duties will not fail to be properly noticed." Full instructions were issued for the guidance of the surgeon. He was to inspect the "people"—this term seems to have been adopted from the earliest times to describe the convict passengers—daily; the sick twice a day, those in health once. The former he was to treat according to his judgment; the latter were to be examined closely for signs of fever, flux, or scurvy, in order that "early and effectual means may be taken to stop the progress of their diseases." He was moreover to keep a diary for the entry of everything connected with the sick, noting also the "daily number of convicts admitted upon

deck, the times when the decks were scraped, the ship fumigated, the berths cleaned and ventilated, and all other circumstances which may, immediately or remotely, affect the health of the crew or convicts." How closely he performed his duties may be judged by the fact that Mr. Commissioner Bigge advances * as one reason for keeping the hospital in the fore part of the ship, that "any arrangement by which the personal inspection of the surgeons is frequently directed to the whole of the prison (which must be the case if they have to traverse it on their visits to the hospital), ought not to be exchanged for another, and more commodious position of that apartment, unless the advantages of such a change are clear and decisive." This does not look as if these surgeons were over zealous, at least in the duty of frequently visiting and inspecting the prison decks.

Similarly, precise rules governed the conduct of the master of the ship. He also was promised a reward if his conduct gave satisfaction. He was especially desired to see to the preservation of health, by keeping his ship constantly sweet and clean, and by taking on board before departure all articles, fumigating and others, necessary for the purpose. The master was especially charged with the care of provisions, and in this respect his conduct was to be closely watched. The fear was not so much lest the convicts should receive short allowance, although this happened too, in spite of all precautions, but that there should be a substitution of inferior stores for those of government, which were always supposed to be good of

* Mr. Bigge's Report on New South Wales, p. 6. Parliamentary Reports, June, 1822.

their kind. The former fraud was to some extent guarded against, chiefly by publishing plainly, in several parts of the prison, the scale of diet to which every convict was entitled; but even this was sometimes upset by the captain giving money compensation at the end of the voyage to the convict for food not issued. Another precaution lay in making every man of each convict "mess" attend in rotation to receive the rations, instead of having one standing delegate for the whole voyage as heretofore. It was found that imposition and corruption were less frequently tried with many than with few. As to the other kind of dishonesty, it was provided for by requiring the surgeon's attendance at the opening of each new cask of provision—a sufficient check, no doubt, so long as the interests of captain and surgeon were not identical. It was just possible, however, that they might play into each other's hands.

But one of the wisest steps taken after 1814, was when the Government itself appointed the medical officers, giving the preference, as far as possible, to surgeons of the Royal Navy. On this point Bigge says, "A great improvement has undoubtedly arisen in the transportation of convicts from the appointment of naval surgeons to the superintendence of the ships taken up for this service. Much attention has been paid by them to the instructions of the Navy Board, that enjoin an attention to the performance of religious duties; and their efforts in preserving health have been no less conspicuous and successful. In promoting these it does not often happen that they meet with the direct opposition from the master of convict ships; but as there are points in their conduct, respecting which no other individual than the surgeon can be expected to hold a

control or afford information, it is of no slight importance to make the surgeons as independent as possible of the favour of the master and the bounty of the owners."

There was every reason to expect that the Government would be better served by an officer of its own, than by some one taken indiscriminately from outside. But equally probable was it that there would be a conflict of authority between the master, who had been hitherto practically supreme, and the new style of official, who might be said to possess, to some extent, the confidence of the Crown. This came to pass; and the difficulty was not smoothed away by the tenour of the early acts regulating transportation. These had adopted the provisions of the 4 Geo. 1, cap. 11, by which a property in the services of the convict was vested (or assigned) to the persons who contracted to transport them. The master of the ship, as representing the contractors, had this property with all its responsibilities; but he was bound also to obey all orders from the commissioners of the navy and attend all requisitions from the surgeon-superintendent. This apparent contradiction led to frequent altercations between these two modern Kings of Brentford. Where one looked only to the preservation of health, the other thought chiefly of safe custody. If the doctor wished to fumigate the prison, or send the "people" all on deck, the captain demurred, and talked of the danger he ran of losing his ship and his cargo, too, by one and the same blow. Being thus personally concerned in the security of all they had on board, the masters of convicts ships for a long time maintained that they must be the fittest persons to hold the supreme power. On the other hand, many of the higher authorities leant towards entrusting the real com-

mand to the surgeon. This, which was clearly the proper decision, did in time become the rule. The reasons for it yearly became more apparent. In the first place, the naval surgeon, as a commissioned officer, was more under the control of the Crown; besides which, by degrees these surgeon-superintendents could fairly claim that they had gained experience, and had proved their aptitude for the service in which they were employed. As ship after ship was chartered the captains came and went. There was no certainty that the same vessel with the same master would be taken up twice over for the conveyance of convicts. But the surgeons remained, and sailed voyage after voyage to the penal colonies. Ere long, the power which had been at first contested rested altogether in their hands.

All reliable authorities give but a sorry account of the condition of the convicts during the passage. Even when everything that was possible had been done to reduce the death-rate, by insuring a sufficient supply of food and proper medical attendance, the plain fact remained that here were a couple of hundred felons (or more) boxed up together for months, with no other employment or object in life than that of contaminating one another. As a rule the whole mass of the "people" remained idle throughout the voyage. A few might assist in the navigation of the ship so far as was possible without going aloft. Others who were mechanics found it to their interest to make themselves useful in their particular trades, gaining in return greater freedom as to coming up on deck, and perhaps some additional articles of food. "But the greater proportion of the convicts," says Bigge, "are sunk in indolence, to which the ordinary duties of washing and cleansing the prisons,

though highly salutary in themselves and performed with great regularity, afford but slight interruption."

They spent their time in gambling, quarrelling, and thieving from one another. In these relaxations the crew generally joined, as it was impossible to prevent intercommunication between convicts and sailors. The latter were not always immaculate, and were not seldom charged with purloining the private property of the prisoners, which had been provided by friends when leaving England. The medium for gambling was chiefly the wine and lime juice issued as part of the daily rations. If the convicts had money—which was unusual, except in small quantities—then they played for cash, but this was prevented by taking all money from them, as far as possible, on embarkation, to be kept for them till the voyage was at an end. The other method of speculation was also checked to some extent by "strictly observing that the allowance of wine and lime juice is taken by every convict in the presence of an officer at the time of distribution." Another plan was to deprive the offenders of their allowance, but to compel them to attend at the "grog-tub," and administer that which they had thus forfeited to some other prisoner who had behaved well.

The only discipline enforced on board, was just so much as was necessary to insure a moderate amount of repression. For this purpose the people were all for a time in irons; for the same reason, only certain fixed proportions of the whole number were allowed upon deck at one and the same time. As a final bulwark behind all, should an ultimate appeal to the strong arm be at any time needed, stood the military guard. Every ship carried a detachment of

soldiers: recruits sometimes, going out as drafts to join their regiments in Australia; at others, part of a whole battalion, which embarked thus piecemeal ship after ship, ending, according to one writer, with the commanding officer and the band. The guard, or the portion of it actually on duty, carried always loaded firearms; from it came sentries for ever on the watch, some at the doors of the prisons, others upon the poop. As a general rule, ships with poops were preferred for convict ships, because the soldiers stationed thereon were sufficiently elevated above the deck to be able to control the movements of the convicts at exercise, though altogether separated from them.

The dread of some outbreak among the "people" seems to have been an ever present sensation with those in authority on board these ships. Nor was the alarm confined to those connected with the ship itself. Whenever a strange sail, in those days of profound peace, appeared above the horizon, she was set down always as a convict ship seized by its felon passengers, who were supposed to have turned pirates, and to have hoisted the black flag to range the high seas in search of plunder. I suppose there was not one among the hundred ships that left the Nore or the Mother Bank, through the long years that transportation lasted, in which rumours of conspiracy did not prevail at some time or other during the passage. Yet nine times out of ten these fears were absolutely groundless. Outbreaks did occur, of course; but few of them were serious in nature, and nearly all were forestalled by the timely perfidy of one of the conspirators. Colonel Breton, in his evidence before the parliamentary committee of 1837, said that he had heard of one ship with female convicts which had been

captured by the crew and carried into Rio.* But I can find no corroboration of this statement elsewhere. The same authority talks vaguely of another plot in his own ship, which came to nothing, because another and a more desperate character turned informer.

More serious was the conspiracy which was discovered in a ship, of which Doctor Galloway, R.N., was the surgeon-superintendent. This was brought to light just after the ship had left Plymouth Sound—as a general rule all such attempts are made in the early part of a voyage—and it was discovered by a sentinel who overheard a fragment of a conversation by the hatchway during the morning watch. The plot was cleverly laid. The convicts had observed that the old guard discharged their firelocks always at sunrise, and that the new guard did not reload till eleven o'clock. They planned therefore to mutiny in the early morning, just after the guard had fired, resolving to seize these weapons, and then to overpower the captain, the rest of the soldiers, and the crew. The total strength of the military detachment was forty, and the convicts were two hundred and fifty. The plotters of this outbreak was promptly punished on proof of their guilt, twelve of them being carried in double irons for seven or eight weeks.

* Convict ships with females on board were as a rule more easily managed than those with males. But the following extract from a letter from the matron on board the convict ship *Elizabeth and Henry*, in 1848, relates a curious incident:—

"*Off Cape of Good Hope* (*April* 30*th*).—We were likely to have a mutiny on board a few weeks since. The prisoners laid a plan for strangling the doctor, but providentially it was made known by M. A. Stewart, a convict, just before it was executed. McNalty and Brennan were the ringleaders in the affair. When it was known, the officers of the ship went down in the prison with firearms. Fancy the scene! The doctor has now promised to forgive them if they conduct themselves well the rest of the voyage."

In one of the earliest ships the opposing parties actually came to blows—so says Mr. Barrington,* at least, who went as a convict in 1790 to Botany Bay. According to his account two Americans among the people persuaded the others to conspire to seize the ship. They declared that the capture effected, it would be easy to carry the prize into some American port, where all would receive a hearty welcome. Not only would all obtain their liberty as a matter of course, but Congress would give them also a tract of land, and a share of the money accruing from the sale of the ship and her cargo.

The plan of action was to seize the arm-chest while the officers were at dinner. This was kept upon the quarter deck, under the charge of sentries. The latter were to be engaged in conversation till the supreme moment arrived, and then at a signal given, seized. This was to be followed by a general rush on deck of all the convicts from below. Barrington relates that he was standing with the man at the wheel when the mutiny actually broke out. Hearing a scuffle upon the main deck, he was on the point of going forward, when he was stopped by one of the Americans, who made a stroke at his head with a sword taken from a sentry. "Another snapped at me a pistol. I had a hand-spike, and felled the first to the ground." Meanwhile the

* The memoirs of this Barrington (a very different person to Sir Jonah Barrington) were widely successful, and soon ran through several editions. His career of crime was more than curious. His hunting-grounds were royal levées, court balls, Ranelagh, and the opera-house. At the palace he found it easy in the crush to cut the diamonds out of orders and stars. At the opera he picked Prince Orloff's pocket of a snuff-box worth £30,000, but being collared by the owner he restored the booty. He was eventually transported for stealing a gold watch at Enfield races from Mr. H. H. Townshend.

man at the wheel ran down and gave the alarm. The captain was below, seeing to the stowage of some wine; but Barrington held the mutineers at bay, at the head of the companion ladder, till the captain came up with a blunderbuss in his hand and fired. This dispersed the enemy, and they thereupon retired. An immediate example was made of the ringleaders in this affair. Two were forthwith hanged at the yard-arm, and a number flogged. To Barrington, the captain and his officers were profuse in thanks, and at the end of the voyage they made him a substantial present. Told in Mr. Barrington's own words, the story of this mutiny tends rather to his own glorification. It is just possible that he may have exaggerated some of the details — his own valiant deeds with the rest.

But as a rule the efforts made by the convicts to rise against their rulers on shipboard were futile in the extreme. Even Mr. Commissioner Bigge, in 1822, laughs at all notion of the convicts combining to capture the ships. He is commenting on the different practice of different doctors and captains, as to allowing the people upon deck and removing their irons. Some, he says, who are inexperienced and timid dread the assemblage of even half on the upper deck, and they would not for worlds remove the irons till the voyage is half over. Others do not care if the whole body came up together, and they take off all irons before the ship is out of the Channel. But he considers the free access to the deck so important in preserving discipline, as well as health, during the voyage, that "no unwarrantable distrust of the convicts" ought to interfere with it, and "no apprehension of any combined

attempt to obtain possession of the ship." He thus continues :—

"The fear of combinations among the convicts to take the ship is proved by experience of later years to be groundless; and it may be safely affirmed, that if the instructions of the Navy Board are carried into due effect by the surgeon-superintendent and the master, and if the convicts obtain the full allowance of provisions made to them by Government, as well as reasonable access to the deck, they possess neither fidelity to each other, nor courage sufficient to make any simultaneous effort that may not be disconcerted by timely information, and punished before an act of aggression is committed. A short acquaintance with the characters of the convicts, promises of recommendation to the governor on their arrival in New South Wales, and an ordinary degree of skill in the business of preventive police, will at all times afford means of obtaining information." *

The passage out of all these convict ships was upon the whole exceedingly prosperous. The voyage could be performed with perfect safety. Mr. Bigge says that up to his time no ships had arrived disabled; more than this, no disasters had occurred to any in Bass Straits, where serious mishaps so frequently happened. The chief and only difficulty really was the tendency to delay upon the road. There was a great temptation to both master and surgeon to call at Rio. All sorts of excuses were made to compass this—that the ship was running short of water, for instance, or that the passengers absolutely required a change of diet. Sugar was to be bought at Rio, and tobacco, and with a

* Bigge's Report, p. 3. Parliamentary Reports, June, 1822.

freight of these the officials could make a profitable speculation on reaching Sydney. For the doctor the temptation was especially strong, because he was for years allowed to land his goods at New South Wales duty-free. But if the superiors thus benefited themselves, it was at the cost of the discipline of the convicts, such as it was. The ship was for the time neglected utterly; the captain was busy and so was the doctor with their commercial enterprises. The convicts for security sake were relegated to irons; but means were taken by them to obtain surreptitiously spirits from shore, and wholesale intoxication and demoralization naturally followed. In view of all this the masters of convict ships were ordered to make the run outwards direct. The requisite supplies might be calculated with care in advance, so as to preclude the chance of any scarcity before the end of the voyage. But if it so happened that to touch at some port or other was imperative, then the Cape of Good Hope was to be invariably chosen instead of Rio.

These orders to bear up for the Cape in case of necessity were clearly right and proper, but in one case they were attended with very serious consequences. I allude to the loss of the *Waterloo* convict ship in Table Bay, in the month of September, 1842. In this case scurvy had appeared on board, and therefore the surgeon-superintendent gave the master a written order to change his course. It was necessary to touch at the Cape to obtain supplies of vegetables and fresh meat. To Table Bay they came in due course, and there remained—ignorant, seemingly, of the danger they ran, of which they would have been duly warned had the naval authorities been aware of their arrival. But the surgeon-superintendent failed to report

it; and "in this omission," says Vice-Admiral Sir E. King when animadverting upon the whole occurrence, "he has only followed the common and very reprehensible neglect of duty in this respect of surgeon-superintendents of convict ships." Ill-luck followed the *Waterloo*. The master went on shore and left his ship to the care of his chief mate, a young and inexperienced seaman, who showed himself when the moment of emergency came either utterly incompetent or culpably negligent—probably both. One of those sudden gales which frequently ravage Table Bay rose without warning, and the *Waterloo* went straight on the rocks. Nothing was done to save her. The masts were not cut away, and everybody on board seemed helpless. Another ship, the transport *Abercrombie Robinson*, which was lying in Table Bay at the time, was also driven ashore; but her people were rescued, and she did not become an entire wreck. But the moment the *Waterloo* struck she broke up, and went to pieces. Terrible loss of life followed: 188 out of a total of 302 on board were drowned, and but for the merest chance not a soul among the convict passengers would have reached the land alive. The prisoners had been at first set free, but they were then ordered below again by the surgeon-superintendent, who feared they would rush violently into the surf boats coming to the rescue, and so swamp them. The poor creatures went below—obediently enough, and then followed one of those fatal but inexplicable mistakes which might have led to the most terrible consequences. The doctor as a matter of precaution had ordered the prisons to be bolted down, but the bolts in the hatches could have been easily at any moment withdrawn. However, the officious corporal in command of

the military guard *proprio motu* affixed a padlock to the bolt to make it secure, and quite forgot to take it off again. The excuse made for him was that he was "under the influence of the panic incident to the unexpected and almost instantaneous demolition of the ship." Thus several hundred men were in momentary danger of being drowned like rats in a hole. "Most providentially," says the report from which I quote, "the awful consequences of the unaccountable conduct of the corporal were averted by one of the prisoners striking off the padlock with a hammer that had accidentally been left in the prison early that morning, it having been used to remove the irons from the only prisoners who wore them for some offence." So the convicts reached the deck in time to avail themselves of such means of escape as offered. But these were few. Had the masts been cut down, when the long boat was lowered, they might have formed a temporary bridge over which the people might have passed in comparative safety to the surf boats. As it was, nearly two-thirds of them were drowned.

This catastrophe attracted great attention at the time. At Cape Town the sudden and apparently unaccountable destruction of the ship led to great excitement in the public mind. A very searching inquiry was therefore set on foot. The *débris* of the wreck having been carefully examined by Captain Sir John Marshall, R.N., he reported unhesitatingly that the *Waterloo* must have been unseaworthy when she left England. "General decay and rottenness of the timbers appeared in every step we took." She had been repeatedly repaired at considerable outlay, but she had run so long that she was quite beyond cure.

As a further explanation of the disaster the mate and

crew were charged with being drunk at the time the ship struck. But the only evidence in support of this was an intercepted letter of one of the convicts who had been saved. He asserted that the chief mate could not keep his legs; that in trying to drive in a nail he staggered and fell. The rolling of the vessel was deemed a more than sufficient explanation of this. Another charge was made against one of the seamen who swam back to the ship after he had once actually reached the shore. No man in his sober senses, urged the convict witness, would have risked his life in this way; whereas it was clearly proved that no man otherwise than sober could possibly have battled successfully with the surf.

It is but fair to add that the unseaworthy condition of the *Waterloo* was distinctly denied at Lloyd's. They certified that at the time of sailing she was "in an efficient state of repair and equipment, and fully competent for the safe performance of any voyage to any part of the world." And as the credit of the transport office had been more or less impugned, a return was about this time called for by the House, of the number of convict-ships which had foundered at sea, or not been heard of, between 1816 and 1842. It was satisfactorily shown that in this way not one single ship had been lost through all those years.

But there had been other shipwrecks, and among these none with more fatal results than that of the *Amphitrite*, which went ashore at Boulogne, in September, 1833. The story of this mishap is an instructive homily in more ways than one. The ship was proceeding gaily down channel, with a freight of one hundred and eight female convicts, when she was met by a violent and unexpected gale, accom-

panied by a very heavy sea. She was on a lee shore. The conduct of the master in presence of danger is described as seamanlike, judicious, and decisive. Seeing no help for it, and that he could not save his vessel from the land, he said openly to the mate that he must look for the best berth and run her straight on shore. They ran her up as high as possible, hoping the tide as it rose would drive her higher. Then with as much complacency as if they were safely lodged in a secure harbour, the crew went below, had supper, and turned in. Before daybreak the ship was smashed to atoms, and only three lives were saved. The ship's fate was indeed sealed from the moment she went ashore. Nothing possibly could have saved her, and it was a matter of surprise to all who witnessed the catastrophe that she was not deserted while there was yet time. "All might have been saved, but for the deplorable error in judgment on the part of the crew."

More than this, the lives at least of the female convicts might have been preserved but for the strange obstinacy of the surgeon's wife. According to the evidence of one of the survivors, the doctor ordered the long boat to be lowered soon after the ship struck. He was not in the least afraid of losing his prisoners, and meant to put them all forthwith on shore. Here, however, his wife interposed. She would not go ashore in the boat. Nothing would induce her to sit in the same boat with the convicts. "Her pride," says the narrator, "revolted at the idea." Whether her husband expostulated does not appear; in the end he gave way. No boat should leave the ship that night. Next morning it was too late. Complete destruction, as I have said, followed the rising of the tide.

But I fear I have lingered too long over these early days. Let us return now to Millbank.

It was not till the time of Captain Groves that the prison was first brought into close and almost daily connection with the "bay ships," as they were commonly called. While Mr. Nihil was governor, batches of transports awaiting passage were occasionally lodged in the Penitentiary, and plenty of trouble they gave.* But after the new *régime* was introduced by the Act of 1843, embarkation of drafts for Australia took place every week or two from the stone steps on the river bank, opposite the main entrance of the prison. Such an embarkation is represented in the frontispiece of the present volume.† The dawn in just breaking as they file silently across the deserted roadway, and down unto the tug that is to convey them to the Nore. Only the night previous were they made aware that the hour of their departure had arrived. Then had followed such necessary preparations as a close medical inspection, to guard against the propagation of infectious disease; shaving, bathing, and the issue of the necessary clothing and kit bags. Every convict was furnished with a new suit, which was to last him all the voyage; but they carried a second suit in their bags, with underclothing, and, in some cases, an outfit to serve on landing at their journey's end. Substantial shoes, and grey guernsey night-caps completed their attire.

Next morning the whole of the draft were roused out about three o'clock, when they breakfasted. They were then marched to the reception ward, where their names were called over by the chief warder. Next came the "shackling,"

* Vol. i. chap. xi. † See Frontispiece.

or chaining them together in gangs of ten men upon one chain, which chain passed through a bracelet on each man's arm. The same plan is pursued to this day in ordinary removals from prison to prison, except that a D lock is now introduced between every two prisoners. This practically handcuffs the men together two and two. Under the old system, if one link in the chain was cut, the whole ten were free; now, when a link goes five *couples* only are set loose As soon as these precautions were completed, the side door of the reception ward was opened, and the prisoners passed on to the outer gate, and so to the river side.

If the embarkation was to be at low tide, old Collins, a well-known bargee, who had permission to make his boats fast opposite the Millbank steps, had brought them some hours before and run them aground so as to form a passage or gangway to the steam-tug. This Collins was a well-known character in his time. His spare hours were devoted to gathering up the bodies of people drowned in the Thames. It was said that he had secured in this way no fewer than two hundred corpses. The parish authorities paid him at the rate of ten shillings per head. It was his invariable custom, so he assured the coroner, to wash the face of every corpse he picked up and kiss it. But he did other jobs, such as dredging for sand, which he sold to the builders, and anything else that he might pick up. It was all fish that came to his net. On one occasion he found a bag full of sovereigns, upon which, so the story runs, both he and his family lived gloriously till the money was all gone. This piece of luck proved fatal to his wife. Returning from one of her drinking bouts to their home on board a barge—for Collins occupied the oldest of his boats, roofed

in—Mrs. Collins slipped off the plank into the Thames, and was picked up by her husband next day. He had lived all his life in this barge, rearing there a large family, most of whom, I believe, turned out ill. His daughters were, however, known as the best oarswomen on the river. Poor old Collins himself came to a bad end. He was caught in his old age, in the act of stealing coals from a neighbouring barge, and for this he was sentenced to six months' imprisonment. When he came out the barges were sold, and the place knew him no more.

But for many years he actively assisted in all embarkations from Millbank stairs. Of course there was a large staff of officials who were really responsible. In charge of all generally went the deputy-governor, and under him were sometimes as many as thirty warders. Their duties were principally to insure safe custody, and to enforce silence and soberness of demeanour on the passage down stream. Occasionally the tug halted at Woolwich, to take in more passengers from the hulks; more often it made the run direct to Gravesend or the Nore. Here, with blue peter flying and anchor atrip, was the prison ship waiting for its living cargo. The surgeon-superintendent is on board, ready to sign receipts for the bodies of all committed to his charge; the convicts go up the sides, are unshackled, told off to messes, and sent below. Before mid-day the ship has got under weigh, and has taken her place among the rest of the outward bound.

The interior fittings of all the old convict ships varied little. The "prison" occupied the main deck. It was separated forward and aft by strong bulkheads, sheeted with iron. In the forepart the crew were lodged as usual; aft, the

military guard. The only access from the prison to the deck was by the main hatchway. This was enclosed by barred gates at the foot of the ladder, so that the prison within looked like a huge cage. A substantial bulkhead ran across the upper deck, so as to divide off the part used by the prisoners from the poop. There were doors in this, at each of which a sentry was always stationed. The hatches were also provided with stout padlocks. Down below the prison was parted off into "bunks" or "bays," as in a troop-ship, each of which had a table for eight men, and at night eight hammocks. For a long time prison ships sailed always without any special staff for supervision. Later a small proportion of warders embarked in each. During the day these officers took it in turn to patrol the deck and keep a general look-out. But on the whole, they preferred to interfere as little as possible with the "people." At night five convict sentries kept watch on deck, and were held responsible that no others came up; but below, the whole of the prisoners were left always entirely to themselves. This, of itself, was one of the chief blots in the whole plan of deportation. To permit men of this class to herd together just as they please, is the surest method to encourage the spread of wickedness and vice. There may be some who are good, but these are certain to go to the wall. The tendency of any collection of human beings, it is to be feared, is rather to sink to the level of the worst than to rise to that of the best. In a ship load of convicts, free to talk and associate at all hours of the day and night, the deterioration is almost inevitable. For this reason, the elaborate machinery for providing for the religious wants and teaching of the ships

sent out in later years was rendered nearly useless. A slight veneer of propriety in diction and demeanour might lie on top, but beneath the real stuff was as bad as ever. This could not be denied even in after years, when every possible precaution had been taken.* It was admitted, before the parliamentary commission on transportation in 1861, that "the horrors of convict ships were really past description."

I cannot refrain, however, from paying a tribute here to one who appears to have worked wonders in the various ships he had in charge. I allude to Dr. Browning, who has himself given us an interesting account of his labours, and the success that attended them.† He was clearly a man of great piety, gifted also with singular earnestness of character. The influence of such a person cannot fail to be soon felt, especially in a society of which he is himself the recognized head. Wonderful as were the results obtained by Dr. Browning, they are substantiated by the testimony of high colonial officials. Writing on the subject, Sir George Arthur, the Lieutenant-Governor of Van Diemen's Land, says, "The convicts brought out in the *Arab*, in 1834, were put on board, I have every reason to believe, as ignorant, as profane, and in every respect as reckless as transported criminals usually are. But when

* The arrangements for the conveyance of convicts by sea were never really put on a satisfactory footing until 1870, when the steamship *London* was especially fitted up for the purpose of taking convicts to Gibraltar; a portion of her fore hold being turned into a "prison," in every respect the same as a separate prison on shore. Here officers patrolled on duty day and night. This, with the rapidity of the voyage, reduced the chances of contamination to the lowest.

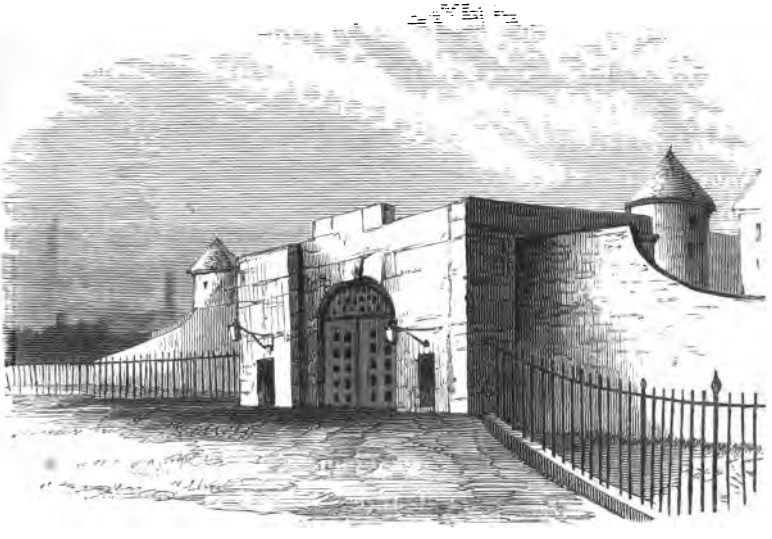
† The Convict Ship and England's Exiles. By C. A. Browning, M.D., R.N.

they were disembarked, it was evident the character of many of them had undergone a most remarkable change. Their tempers had been subdued; they had been induced to think and reflect; and they had been instructed, so as to know them familiarly, in the principles of religion." It was said that in after years the convicts whom Dr. Browning reformed, seldom if ever fell away; but on this point I can find no reliable evidence. That quoted above refers only to these men at the moment they landed on shore, when Dr. Browning's impressive periods were still ringing in their ears. An examination of the parliamentary returns, however, leads me to conclude that instances of after misconduct, as proved by the number of summary and other convictions on shore, were just as plentiful among the men of Dr. Browning's ships as in others.

But I should be loath to detract from Dr. Browning, who, besides a preacher of some power, was also a practical man with considerable talent for organization. His ships must have been patterns of propriety and cleanliness. Yet he worked single-handed. The only officials under him were convicts chosen among the "people," according to character received with them, and "the impression," to use his own words, "formed on my own mind by the expression of their countenances, and general demeanour." At the doctor's right hand was the first captain, who was at the head of the whole establishment; next to him came a second captain; and below them the captains of divisions. Each had his duties prescribed according to a carefully prepared scale. There were also appointed cooks, barber, delegates, head of messes, a clerk, librarian, hospital steward, and, last not least, schoolmasters and

inspectors of schools. The routine of work for every day of the week was also laid down, and was punctually carried out. As a rule, after the necessary cleaning operations, this resolved itself almost entirely into school instruction, and constant exhortation from the surgeon himself. Dr. Browning was apparently much beloved even by those criminals; and his orders are said to have been readily and implicitly obeyed. In return his confidence in them was so great that when he was attacked with serious illness he had his hammock hung inside on the prison deck, and gave himself up to be nursed altogether by the convicts.

In after years the example set by Dr. Browning was so far followed that every ship carried a religious instructor to teach, and perform the services—duties which every surgeon-superintendent could not be expected to perform, as did Dr. Browning. These instructors were selected from among the scripture readers and schoolmasters at Millbank or Pentonville, and no doubt they were conscientious men, fairly anxious to do their best. But this best fell far short of that which an enthusiast of superior education like Dr. Browning could accomplish; and in most of the ships, in spite of all the efforts of the instructors, wickedness continued to the last to reign supreme.



OUTER LODGE AT MILLBANK.

CHAPTER X.

THE CRASH OF "PROBATION."

WITHIN three years of the establishment of the new system, already described at length, by which transportation was to be robbed of all its evils, the most deplorable results showed themselves. The condition of Van Diemen's Land, according to a reliable authority, was most lamentable. It was filled to overflowing with convicts. There were in all 25,000, half of which were still in the hands of Government; and besides these numbers there were 3000 pass-holders waiting for hire, but unable to obtain employment. The latter would be reinforced by as many more in the year

immediately following. The colony itself was on the verge of bankruptcy: its finances embarrassed, its trades and industries in every branch depressed; with all this was a wholesale exodus of all classes of free people—the better orders, to avoid the ruin that stared them in the face, and working men, because higher wages were offered elsewhere in the neighbouring colonies. Already, in fact, the new system of probation had broken down. It had given rise to evils greater than any which it had been expected to replace. Not only was Van Diemen's Land itself on the brink of ruin, but the consequences to the convicts were almost too terrible to be described. Mr. Pitcairn, a resident of Hobart Town, raised an indignant protest, in which he urges that "all that the free colonists suffer, even the total destruction of Van Diemen's Land as a free colony, is as nothing to what the wretched convicts are forced to submit to. It is not bodily suffering that I refer to: it is the pollution of their minds and hearts which is forced upon them, which they cannot escape from. Loathsome as are the details of their miserable state, it is impossible to see thousands of men debased and depraved without at least making an attempt to save others from the same fate." The congregation of criminals in large batches without due supervision, meant simply wholesale, widespread pollution. Assignment, with all its faults, had at least the merit of dispersing the prisoners over a wide area.

But not only in its debasing effects upon the convicts themselves was the system quite a failure,—half the scheme became a dead letter from the impoverished condition of the colony. Of what avail was it to prepare the prisoners gradually for honest labour when there was no labour

upon which they could be employed? The whole gist and essence of the scheme was that after years of restraint the criminal, purged of his evil propensities, would gladly lend himself out for hire. But what if there were no hirers? Yet this was practically the state of the case. Following inevitably from the unnatural over-crowding of Van Diemen's Land, there came a great redundancy in the labour market. Had the colony been thoroughly prosperous, and as big as the neighbouring island-continent, it could hardly have found employment for the thousands of convicts poured in year by year. But being quite the reverse—small and almost stagnant—a species of deadlock was the certain result of this tremendous influx. To make matters worse, goaded doubtless by the excessive costliness of the whole scheme, the Imperial Government insisted that all hirers should pay a tax over and above the regular wages for every convict engaged, and this whether the hirer was a private person or the public works department of the colony. Neither private nor public funds could stand this charge. In the general distress, employers of labour could hardly afford the moderate wages asked; while the local revenues were equally impecunious. Yet there were many works urgently needed in the colony, which the Colonial Government were quite disposed to execute—provided they got their labour for nothing. But to pay for it was impossible. In fact, this Imperial penuriousness defeated its own object. The Home Government would not let out its labour except at a price which no one would pay; so the thousands who might at least have stood at their own charges, remained at that of the Government. They were put to raise produce for their own support; but they earned nothing, and ate their

heads off into the bargain. They had, moreover, a grievance. They were denied all fruition in the status to which, by their own conduct and according to prescribed rules, they arrived. They had been promised that after a certain probationary period they would pass into a stage of semi-freedom. Yet here, after all, were they in a condition little superior to the convicts in the gangs—in the very stage, that is to say, which the pass-holders had left behind them. The authorities had, in fact, broken faith with them. This was a fatal flaw in the scheme; a link out in the chain; a gap in the sequence of progressive probation enough to bring the whole to ruin.

But at any rate the pass-holders were better off than the conditional-pardon or ticket-of-leave men. The former had still a lien on the Government. They were certain of food, and a roof over their heads at the various hiring depôts. But those who were in a stage further ahead towards freedom were upon their own resources. These men were "thrown upon the world with nothing but their labour to support them." But no labour was in demand. What, then, was to become of them? They must steal, or starve; and as the outcome of either alternative, the community might expect to be weighted with a large and increasing population of thieves and paupers.

Nor would any description of the main island only suffice to place in a proper light the actual state of affairs. Norfolk Island, the chief penal settlement, had deteriorated so rapidly, that all which was bad before, had grown to be infinitely, and irremediably worse. A Mr. Naylor, a clergyman, writing about this time, paints a terrible picture of the island. Rules disregarded; convicts of every degree

mingled indiscriminately on the settlement. Some of the prisoners had been convicted, and reconvicted, and had passed through every grade of punishment in hulks, chain-gangs, or penal settlements—among them were "flash men," who kept the island in awe, and bearded the commandant himself; bodies of from 70 to 100 often in open mutiny, refusing to work, and submitting only when terms had been arranged to their satisfaction; the island kept in perpetual alarm; houses robbed in open day, yet no successful efforts were made to bring the culprits to justice.* By one of these ruffians the commandant was deliberately knocked down, and received severe contusions. The state of the island might well awaken alarm. No time, said Mr. Naylor, should be lost in taking steps for the prevention of a catastrophe of the most frightful kind.

In 1846 a special commissioner was despatched from head-quarters at Hobart Town, to report from personal observation on the state of the settlement. It is abundantly evident from his report, which will be found *in extenso* in a Blue-Book on convict discipline, issued in February, 1847, that some terrific explosion of the seething elements collected together at Norfolk Island might be looked for at any early day. Mr. Stewart, the commissioner, attributed the condition of the settlement chiefly to the lax discipline maintained by its commandant. This gentleman certainly appears to have been chosen unwisely.

* As to the immunity of offenders, one of the officials long resident on the island has told me that a favourite parrot with its cage, was stolen from his house. The thief was known, and he was seen with the bird. More; he kept the bird in his barrack-room, and took it daily with him to his work. Yet no one dared to interfere with him! The bird was left in his possession, and he altogether escaped punishment.

He was quite the wrong man for the place, utterly unfitted for the arduous duties he was called upon to perform. Of a weak and vacillating disposition, he seldom had the courage to act upon his own judgment. It was openly alleged that his decisions rested with his chief clerk. Most of his subordinates were at loggerheads with one another, but he never dared to settle their quarrels himself. Points the most trivial were referred always to head-quarters. He was equally wanting in resolute determination in dealing with the great mass of convicts who constituted the bulk of his command. With them he was for ever temporizing and making allowances; so that rules, never too severe, came by degrees to be sensibly relaxed, till leniency grew into culpable pampering and childish considerateness. As might have been expected, the objects of his tender solicitude were utterly ungrateful. He interfered sometimes to soften the sentences of the sitting magistrate, even when they were light enough; but his kindness was only mistaken for weakness, and the men in his charge became day by day more insolent and insubordinate. Where firmness was required in almost every particular, in order to maintain anything like a controlling supervision, it was altogether wanting. This commandant was considered by his supreme chief, "either from want of experience, or from an absence in his own character of the qualifications necessary to control criminals," to be "totally unfitted for the peculiar situation in which he is placed."

Of a truth, Norfolk Island was not a government to be entrusted to any but iron hands. That this commandant was clearly the wrong man for the post cannot be questioned; nevertheless, he was not altogether to blame for

the existing terrible state of affairs. No doubt by his wavering incompetence the original condition of the island was greatly aggravated, but all these evils which by-and-by broke out and bore such noxious fruit, had been germinating long before his time. It had been the custom for years back to treat the convicts with ill-advised leniency. They had been allowed practically too much indulgence, and were permitted to forget that they owed their location on that island solely to their own grievous crimes and offences. They had been kept in order by concession, and not by stern force; persuaded to be good, rather than coerced when bad. As I have already had occasion to remark, such a method of procedure can but have one result with criminals. It is viewed by them as weakness of which they are bound to take every advantage. Here, at Norfolk Island, under a loose *régime*, the convicts had always been allowed their own way: half the officers placed over them trafficked with them, and were their free-and-easy familiar friends. On the introduction of the new system, no attempt was made to sweep the place clean before the arrival of greatly increased numbers. Old officers remained, and old convicts; enough of both to perpetuate the old evil ways, and to render them twice as harmful under the new aspect of the settlement. Gardens were still allowed; great freedom to come and go hither and thither, with no strict observance of bounds; any number of private shops, whereat the convicts bought and sold, or bartered with each other for pork and vegetables and other articles of general use. Worse than this, the "Ring" was left untouched, and grew daily more and more powerful, till a band of some forty or fifty cut-throat scoundrels ruled the whole convictdom of the settlement. The members of

this "Ring" were in league with the cooks, from whom they obtained the best of the food, abstracted from their fellow-prisoners' rations; but no one dared to complain. Such was the malignant terrorism inspired by these fifty ruffians, that they kept the whole body of the convicts in awe, and their wholesale plunderings and pilferings were in practice long before any attempt was made to put them down. Under such conditions as these, the management of the convicts in Norfolk Island certainly left much to be desired.

But following Mr. Stewart's visit, a more stringent system was attempted, if not entirely carried out. The commandant was informed that he must pamper his convicts no longer. One by one the highly prized privileges disappeared: trafficking was now for the first time openly discountenanced, and the prisoners at length saw themselves debarred from many little luxuries and indulgences. A strictly coercive labour-gang was established; the gardens were shut; the limits of bounds rigorously enforced; and, last but not least, a firm attack was made upon the method of messing, to check, if possible, the unlawful misappropriation of food. In this measure was the beginning of serious trouble. It interfered directly with the vested interest of a small but powerful oligarchy, the members of which were not disposed to surrender lightly the rights they had so long arrogated to themselves. From the moment that the robberies in the cook-house had been discovered, a growing spirit of dissatisfaction and discontent was observable among the more influential prisoners.

A second authorized attack in the same direction brought matters to a crisis. Not the least of the evils attending the old plan of messing was, that the prisoners themselves,

one by one, were allowed access to the kitchen, where they might cook anything they happened to have in possession, whether obtained by fair means or foul. To meet these culinary requirements, most of the "flash men" had collected pots and pans of various sorts, constructed chiefly from the regulation mess-tins and platters. It was decided as a bold stroke against illicit cookery, to seize every *batterie de cuisine* in the place. Accordingly, one evening, after the convicts had been locked up for the night, a careful search was made through the lumber-yard (the mess-room, so to speak), and everything of illegal shape was seized. The whole of these articles were then and there removed to the convicts' barrack store. It must be remarked here that several of the officials shrunk from executing this duty. One free overseer, named Smith, who was also superintendent of the cook-house, urged that he was all day among the prisoners, and felt his life hardly safe if it were known that he had taken part in the search. Others demurred also; but eventually the work was done.

Next morning, when the convicts went to breakfast, they missed their highly prized kitchen utensils. Quickly a storm gathered, and broke forth with ungovernable fury. A great mass of men, numbering several hundreds, streamed at once out of the lumber-yard, and hurried towards the barrack stores. Everything fell before them: fastenings, woodwork, doorposts. There within were the cans, the cause of all this coil. These they gathered up at once, and then turned back, still *en masse*, to the lumber-yard. They were in search now of victims. Their thirst was for blood, and nothing less would quench it. They sought first the officers they hated most; and chief among

these was Smith, the overseer of the kitchen. A man named Westwood, commonly called Jacky-Jacky,* was ringleader, and marched at the head of the mutineers. All were armed—some with long poles, others with axes, most with knives. It was a case of *sauve qui peut* with the officers. There were not more than half a dozen constables on duty, and warning came to four of them too late. Smith, who had remained in the cook-house, was caught and murdered on the spot. Another officer, Morris, was also killed. Two others were struck down with mortal hurts. All the wounds inflicted were about the head and face. One man had his forehead cut open so that you might see into the cavity of the head. He had also a frightful gash from the eye down the cheek, through which the roof of the mouth was visible. Another had the whole of one side of his face completely smashed in, from the temple to the mouth. A third unfortunate man had his skull fractured. All this had happened in less time than it takes to tell. Then the mutineers cried out for more blood. Leaving the lumber-yard, they made for the police huts, driving the few remaining constables before them, and striking down all they overtook. At the police huts they smashed the windows and did what damage they could. They were then for proceeding onward. "Let's get that villain Barrow," was now the cry—Mr. Barrow being the stipendiary magistrate, and they hated him with especially keen hatred. They were determined, so it was afterwards said, to murder every official on the island, and then to take to the bush. But by this time active opposi-

* Jacky-Jacky was by birth a gentleman, and had received a superior education.

tion was close at hand. First came a military guard, which formed across the road, and checked all further advance of the mutineers. Presently Mr. Barrow himself appeared upon the scene with a larger detachment of troops, and in the presence of this exhibition of force the convicts retired quietly enough to their barracks.

The strength of the storm therefore was now spent. The mutineers were either for the moment satisfied with their efforts, or—which is more probable—they were cowed by the troops, and felt that it was now the turn for authority to play its hand. Accompanied by a strong escort of soldiers, the stipendiary magistrate went in amongst the convicts, examined all carefully, and then and there arrested every one who bore a single spot or stain of blood. Seven were thus singled out at once, among them Jacky-Jacky and several members of the ring. Forty-five others, who were strongly suspected of complicity in the murders, were also arrested; and the whole, heavily ironed, were for immediate security chained together in a row to the iron runners of the boat-shed. But such was the alarm on the island, that the commandant was strenuously urged to remove these ringleaders at once to Van Diemen's Land.

Indeed it was felt on all sides that there was no longer any safety for either life or property. The convict population had reached the pitch of anarchy and insubordination. It was indeed thought that the storm would soon break out with renewed fury. The success which the mutineers had won, would doubtless tempt them to fresh efforts. They gave signs too that they were ready to recommence. When the corpses of the murdered men were carried past the barracks, the convicts within yelled in derision, and cried

that these victims should not be the last. The apprehension was so great, that some officials maintained that the convicts ought to remain immured in their barracks until a reinforcement of troops arrived. There were some, too, who doubted the loyalty of the soldiers, saying that the troops would yet make common cause with the convicts. But this was never proved. What was really evident, was that the soldiers were harassed and overworn by the incessant duties they had been called upon recently to perform. They had been continually under arms, and were often on guard six nights out of the seven. Fortunately Sir Eardly Wilmot, Governor of Van Diemen's Land, had acted on Mr. Stewart's representations, and had despatched reinforcements long before this, which landed on the island a day or two after the actual outbreak. The most serious dangers were therefore at an end.

But the state of Norfolk Island called for some radical reformatory measures. If anything further had been needed to prove the incompetence of the commandant, it was to be found in his latest proceedings. Sudden changes, passing from laxity to strictness, had been made in the regulations; yet no precautionary measures were taken to meet that violent resistance which the convicts had long openly threatened. The last act of authority, the removal of the cooking utensils, should at least have been backed by an imposing exhibition of armed force. It was, indeed, time to substitute new men and new measures. The Hobart Town executive council resolved unanimously to suspend the commandant and to replace him by Mr. Price, the police magistrate of Hobart Town, a gentleman of "knowledge, firmness, and long experience with the convict popu-

lation in this island." His instructions were precise. He was to disarm the convicts and take from them the knives they habitually carried; to make all wear, without distinction, the convict dress; to compel close observance to Divine Service; to institute messes, regulate the muster, insist upon exact obedience to all rules, and above all, to attend the due separation of the convicts at night. By close attention to these regulations it was hoped that peace and good order would soon be restored to the settlement.

At the same time condign punishment was meted out to the mutineers. A judge went down post-haste to the island, a court was formed immediately on his arrival, trials proceeded with, and fourteen were hanged the same day. This salutary example, with the measures promptly introduced by Mr. Price, soon restored order to the island. The new commandant was undoubtedly a man of great courage and decision of character. He acted always for himself, and looked into everything with his own eyes. Being perpetually on the move about the settlement, nothing escaped him. Frequently when he met convicts, though he might have with him only one constable as orderly, he would halt them, and search them from head to foot. If they had knives or other forbidden articles, he impounded them forthwith; saying as often as not, "I'll have you to understand, my men, that in twelve months you shall see a gold watch upon the road and yet not pick it up." Under his able government the evils of Norfolk Island were sensibly lessened; but nothing could wash the place clean. So convinced was the Imperial Government of this, that they had resolved, even before the news of the mutiny, to break up the settlement. But after that, positive instructions were

sent out to carry this into effect, and by degrees the place was altogether abandoned.

Indeed, the results of "probation," as they had shown themselves, were far from ignored at home, and the members of successive administrations had sought anxiously to provide some remedy for evils so plainly apparent: Mr. Gladstone among others, when Under Secretary of State for the Colonies, propounded an elaborate scheme for the establishment of a new settlement in North Australia. This new colony was to provide an outlet for the overplus in labour, which at that time in Van Diemen's Land choked up every avenue to employment. "It was founded"—I will use Mr. Gladstone's own words—"as a receptacle for convicts who, by pardon or lapse of time, have regained their freedom, but who may be unable to find elsewhere an effective demand for their services." It was to be a colony of emancipists. The earliest settlers would be exiles sent out from England, with whose assistance the governor of the new colony was to prepare for the arrival of the rest from Van Diemen's Land. The first points which would require attention, were the selection of the best sites for a town and harbour, the reservation of certain crown lands, and the distribution of the rest to the various sorts of settlers. All these points were fully discussed and provided for minutely by Mr. Gladstone. Every other detail was equally well arranged. As economy was to be the soul of the new settlement, its officials were to rank lower than those of other colonies. The governor was to be styled only superintendent, and the judge, chairman of quarter sessions. The whole settlement was to be subordinate to New South Wales. And, as the word "convict" was somewhat unsavoury

to the Australian colonists, Mr. Gladstone provided also for this. In anticipation of the possible objections of the people of New South Wales to the establishment of a new convict settlement on the continent of Australia, Mr. Gladstone put his foot down firmly, and declared he would admit no such protest. "It would be with sincere regret," he says, "that I should learn that so important a body of Her Majesty's subjects were inclined to oppose themselves to the measures I have thus attempted to explain. Any such opposition must be encountered by reminding those from whom it might proceed, in terms alike respectful and decided, that it is impossible that Her Majesty should be advised to surrender what appears to be one of the vital interests of the British Empire at large, and one of the chief benefits which the British Empire can at present derive from the dominion which we have acquired over the vast territories of the Crown in Australia. I think that by maintaining such a colony as a depot of labour, available to meet the local wants of the older colony, or to find employment for the capital accumulated there, we may rather promote than impede the development of the resources of New South Wales. But even if that hope should be disappointed, I should not, therefore, be able to admit that the United Kingdom was making an unjust or unreasonable exercise of the right of sovereignty over those vast regions of the earth, in thus devoting a part of them to the relief of Van Diemen's Land, and consequently to render that island the receptacle for as many convicts as it may be hereafter necessary to transport there. Having practically relieved New South Wales, at no small inconvenience to ourselves, from the burden (as soon as it became a burden) of

receiving convicts from this country, we are acquitted of any obligations in that respect which any colonist, the most jealous for the interests of his native or adopted country, could ascribe to us."

But it never came to this. No antagonism in this instance ever arose between the Colonial and Imperial Governments, for Mr. Gladstone and his colleagues just then went out of power, and the project of the new colony in North Australia was given up by the new ministry. Earl Grey, who succeeded Lord Stanley at the Colonial Office, wrote at once to the Governor of New South Wales to declare that the new cabinet dissented from the views of the late administration. They considered the formation of a settlement in North Australia impolitic and unnecessary, and they revoked, therefore, the letters patent under which it had been constituted. But they had also their own ideas. The great question remained unsolved, and they attacked it with more originality, perhaps, and greater determination than their predecessors. From their treatment of the subject resulted the third and last system of carrying out transportation.

They had to deal with the question in two phases: first, the evils actually in existence from the over-crowding of Van Diemen's Land must be mitigated, if they could not be removed; and secondly, some plan must be adopted to obviate their recurrence in the future. The first point was touched by suspending transportation altogether for two years. The stream thus checked, would have to be directed elsewhere; but in the meantime, Van Diemen's Land would be relieved: in the course of two years the probation-gangs would be emptied, and the great labour pressure caused by

the crowds of pass-holders would have disappeared. To deal still further with the actual difficulty, new and able men were appointed as administrators: Sir William Denison was to go out as governor, and Mr. Hampton comptroller-general of convicts. The former, an engineer officer of wide experience, accustomed to deal with large works and large bodies of men, would, it was hoped, find new outlets for the superabundant labour; while the latter had been long connected with convicts as a surgeon-superintendent of convict ships, and his energy and knowledge were already well proved. The measures which these two working in concert were expected to carry out, were indicated in a lengthy despatch. They consisted chiefly in a careful revision of the discipline of the probation-gangs and insisted on the construction without delay of prisons, wherein each man was provided with a separate cell for himself. This would supply work for many hands; the surplus were to be employed in raising stock for the whole body, and in building villages for the occupation of labourers—mostly ticket-of-leave men—and their families. Lastly, all demands made by the local Government for labour to carry out colonial public works were to be complied with, and for this labour no charge was now to be made. On the whole, the plans devised for the management of the convict population already in the colonies, were based on intelligent principles, and they were in a measure successful. So much for the first point.

The second embraced a wider field. The Government was bound, not only to provide for the thousands with which it had saddled itself by the cessation of transportation to Van Diemen's Land for a couple of years, but it had to look further ahead and legislate for all the years to come.

To Sir George Grey, the Home Secretary, the task was confided; and the plan he proposed, with the arguments by which he arrived at his decision, shall now be described.

Transportation, as it had hitherto been understood and carried out, was now to come to an end. Although two years only had been the limit of its temporary suspension, Sir George Grey admitted at once, that any expectation of recurring to the old system at the end of that period, was "altogether illusory." He then proceeds to discuss the question.

So far, within the term transportation two distinct punishments had been comprised. One was pure exile; the other penal labour, whether under Government or an assigned master.* In the new arrangements these leading features were retained. Exile was of course a punishment felt as such by many of those sentenced to it: a fact proved by the frequent petitions from the friends of convicts that it might be remitted, and by the anxiety shown by the exiles to obtain full pardon—in other words, permission to return home. Yet simple exile of itself could be no sufficient punishment, seeing that thousands of our fellow-countrymen —free emigrants, that is to say—voluntarily submitted to it. To sentence criminals to nothing more would therefore be a simple absurdity. Hence, through all the systems of deportation, enforced labour and restricted liberty had accompanied the actual removal beyond the seas. But penal labour, as such, could not be effectually carried out at a great distance. This had been proved already by the failure, first of assignment, and latterly the collapse of the

* Earl Grey: Colonial Policy, vol. ii. p. 14, et seqq.; from which I quote largely in the paragraphs that follow.

plan of probation. But what if this penal labour were carried out at home? In every way the resultant advantage was plain. Supervision could be near at hand, correction of abuses immediate, and the establishments would be governed by officials who from first to last might be drawn from a superior class. And here, at length, the authorities struck a key-note. They were at length approaching the proper solution of the question, though it was forced on them rather by the practical logic of circumstances, than obtained by exhaustive deduction. By adopting this principle, Lord John Russell's Government created in the germ our present penal system.

The new system, stated briefly, was to consist of a limited period of separate imprisonment, succeeded by employment on public works, either abroad at Bermuda or Gibraltar, or in this country; and ultimately followed in ordinary cases by exile or banishment for the remaining term of the original sentence. Lord Grey thus describes what would now be the convict's career:—

1. A term of separate confinement, continuing from six to eighteen months, according to sentence and the manner prisoners bore the punishment.

2. Forced labour at home penal establishments, or at Gibraltar or Bermuda; this term to depend also on sentence, but the time by arrangement of tasks might be shortened by industry.

3. Tickets-of-leave in the colonies.

This, the new system, was certainly symmetrical, nor was any portion of it too high-flown for execution. The difficulty at first lay in the insufficiency of means for carrying out the first two stages. Pentonville prison, which

had been in existence now since 1842, contained only a limited number of cells; however, there was Millbank to relieve the pressure for separate confinement. But places for penal labour did not exist, nor could they be improvised in a day. Eventually Portland came to be built, and advantage was taken of the old French prisons on the wilds of Dartmoor. But these two establishments, of which I shall speak more at length in the next chapter, could not in themselves absorb the thousands that multiplied on Government hands. Then Bermuda was pressed into the scheme, Gibraltar also; and provision was made for the accommodation in these two imperial colonies of numbers varying from two thousand to two thousand five hundred. It must be remarked that the very objections to penal establishment beyond the seas were repeated here at Gibraltar and Bermuda. Both these stations were too distant from home for effective supervision; and in 1862 Bermuda ceased to be a penal station, while now as I write the Gibraltar convict prison is on its last legs.* But they served their purpose for a time. Any convenient outlet was readily accepted in those two years when transportation to Van Diemen's Land was suspended. As many as 6000 convicts accumulated even in that short space of time, and those numbers were greatly augmented by the increased convictions due to the Irish famine. But as I have said, the provisions made, whether at Portland or Dartmoor, at Gibraltar or Bermuda, were a makeshift only and far from complete. It has taken five-and-twenty years to provide sufficient accommodation, and

* Since these sheets have gone to press, the Home Secretary (Mr. Cross) has announced in the House of Commons that the convict establishment at Gibraltar is to be broken up at once, and the prisoners brought home to be located in various English convict prisons.

put the home penal establishments on a thoroughly satisfactory footing.

The third stage was however the most distinctive part of Sir George Grey's new scheme, and in it we see the last vestige of transportation—all that remained as piece by piece, inch by inch, the old system was hacked away by trenchant necessary reforms. "In considering the question of transportation," says Sir George Grey, "one important point has been overlooked, viz., the distinction between the fitness of the Australian colonies as places for the reception of criminals after having undergone their punishment, and as places in which transportation is itself to be inflicted. There can be no doubt that new and thinly peopled settlements, in which there is a large demand for additional labour, possess great advantages over a densely populated country, such as Great Britain and Ireland, for the reception of convicts after they have undergone their punishment. In this country, men regaining their liberty on the expiration of a penal sentence, often find great difficulty in obtaining an honest livelihood. In the general competition for employment, character, naturally and properly, secures a preference to men untainted with crime; and the discharged convict is liable to be thown back upon a criminal course of life from the inability to procure employment by which he can honestly maintain himself. In the colonies, on the other hand, where labour is in great demand, this difficulty is not experienced, and the opportunity is afforded to the convict, on the termination of his sentence, of entering on a new career with advantages which he could not possess in this country, and of his becoming a useful member of society."

This reasoning was no doubt sound. The colonies might be unsuited for the enforcement of purely penal labour, but they were "admirably adapted for the reception of criminals, whom it is desirable, both for their own sake and that of society, to remove, after their punishment has been completed, from being again brought into a criminal course of life in this country by the difficulties and dangers to which they are unavoidably subject, but from which in the colonies they are in a great measure exempt."* Accordingly, in this third stage the convicts, including all male adults fit for the voyage, were sent out to Van Diemen's Land, not as transported criminals, but simply as exiles. On arrival they remained in the hands of Government till they were engaged by settlers, when the conditions of hiring were much what they had been in the days of probation. The object being to assimilate the position of the exile to that of the assigned servant, except when assignment was open to objection. Great things were expected of these exiles. Chastened and toned down by their home discipline, it was hoped that their behaviour would be the admiration of all beholders. This expectation was not entirely borne out by the results. In spite of many flourishing statements to the contrary, the conduct of these exiles was not altogether exemplary; so much so, that the conditional pardons with which they were first provided, had to be altered to tickets-of-leave; substituted because, as holders of the latter, they might still be subjected to some discipline and restraint. But the blame did not arise in actual error in the system, but only that too much was expected from it. The authorities had not yet learnt that no amount of penal

* Earl Grey: Colonial Policy.

discipline will ever change the criminal's character. He may promise to be good in future; his punishment may leave behind it a certain terror, which while it is remembered may keep him out of mischief, but the man remains at heart much the same.

Nevertheless, this method of ultimately disposing of the convict population, was as far as it went, distinctly successful. That it did not go farther, and that it is not still the custom, is probably the fault of the colonists themselves. Within a year or two of the establishment of the system, Van Diemen's Land waxed virtuous, and would have no more convicts, whether whitewashed or not, at any price. But a more detailed reference to this will be reserved for the next chapter.

PLANK GATES AT MILLBANK.

CHAPTER XI.

PENAL SERVITUDE.

THE changes introduced by Sir George Grey, to which I have referred at the close of the last chapter, remained in force, with certain important alterations, for a number of years following. They were modified to meet changing circumstances, but this was effected without attracting much attention. The years were eventful; the country was busy; war with a great power; India for a time in jeopardy; the map of Europe in process of alteration—grave questions like these closely occupied the public mind. It might have been,

too, that people were a little sick of secondary punishment, and were content to leave the problem in the hands of officials whose duty it was to deal with it. The management of prisons, as I have had occasion to point out on an earlier page, is rather a dull theme; and its discussion, where it can be, is avoided. How long this indifference might have continued it is impossible to conjecture, but all at once there fell upon us a panic that must still be fresh in the minds of most of us. It is only when touched by the sharp sense of personal insecurity that people are universally roused to take an interest in such affairs. The moment came at length when—in presence of a real or imaginary danger—we woke to the fact that our penal system was all a mistake.

It was in the winter of 1862 that robberies with violence —garrote robberies, as they were called—suddenly increased to such an alarming extent, and were accompanied with such hideous details of brutality, that general consternation prevailed. The streets of London were less safe, said the leading journal, than Athens in the throes of revolution and under no government at all. Ours was the most insecure capital of Europe. No man could walk abroad, even in crowded thoroughfares, without feeling that he carried both his life and his money in his hand. Both might be wrested from him by an insidious malefactor before the victim was even conscious of his danger. On all sides instances of these treacherous assaults multiplied; and though varying somewhat in their method of execution, each and every one of them belonged unmistakably to the same class of crime. One day we heard that a young lady of fifteen had been attacked in Westbourne Crescent in the afternoon. She was

half throttled, and a pistol held to her head, while they rifled her pockets, and tried to tear off her necklace, and the pendants from her ears. Her head was to have been shorn, too, of its magnificent hair, which, as one of the ruffians cried, would certainly fetch a goodish sum; but just then the sound of approaching wheels frightened these human vultures from their helpless quarry. Next a poor old woman, a feeble tottering creature advanced in years, was knocked down and wantonly maltreated for the half-dozen coppers she carried in her pocket.

These attacks were made at all hours and in all neighbourhoods. Daylight was no protection, nor the crowds in a thoroughfare. One gentleman was felled to the ground in the afternoon near Paternoster Row, another in Holborn, a third in Cockspur Street. Later on, at night, the dangers of course multiplied a hundred-fold. Poor musicians, tramping home after performing in some theatrical orchestra, were knocked down and robbed of their instruments as well as their cash. It was a service of danger to be seen taking the money at the door of any entertainment. A gang of garroters, for instance, had their eye on Michael Murray all night as he stood at the door of the Teetotal Hall in Chelsea, and as soon as he left for home, they followed with stealthy step till they overtook him in Sloane Square and knocked him down, having first throttled and rifled him. If you stood still in the street, and refused to stand drink to any man who accosted you, he would probably then and there give you a hug. Those who took a delight in attending public executions did so at their own peril. A Mr. Bush, who was standing in front of the Old Bailey when Cooper was hanged, was hustled by several men, who

first forced his hands up over his head, then unbuttoned his coat and stole his watch.

In every case, whether the victim resisted or was resigned, he was nearly certain to be shamefully ill-used. Now and then the biter was bit, as when three men fell upon a certain foreign gentleman who carried a sword, and was a master of the art of self-defence; or when another, who knew how to hit out, was attacked by two ruffians, both of whom he knocked down. But as a general rule the victim suffered tortures. When down on the ground as often as not he was kicked about the face and head, usually with savage violence, his teeth were knocked down his throat, his eyes closed, and he was left insensible, streaming with blood. In most cases there was every appearance that the outrage was deliberately planned beforehand. There were accomplices—women sometimes; and all were banded together like Hindoos, as the *Times* put it, sworn to the practice of "Thuggee." For months these crimes continued to be prevalent. Every morning's news chronicled "more outrages in the streets;" more and yet more; till, as the fogs of November settled down on the devoted heads of the honest inhabitants of London, men's hearts failed them for fear, and life in sequestered street or retired suburban villa seemed hardly worth an hour's purchase. Every journal teemed with complaints; *Punch* took up the question with grim humour; at the theatres audiences roared at Mr. Toole, then shuddered to think they had still to get home after the play was over.

At length the horrors of garroting culminated in the arraignment of a crowd of such offenders in one batch at the central criminal court. There were seven-and-twenty

of them. The cases of all bore a certain family likeness; though differing somewhat in detail, there was in each the same insidious method of attack, followed by the same brutality and wanton violence. Speaking to the most hardened, the judge, Baron Bramwell, said, as he passed sentence, that it was his belief that they were "utterly destitute of morality, shame, religion, or pity, and that if they were let loose they would do what any savage animal would do, namely, prey upon their fellows." Therefore he was resolved to keep them out of mischief as long as he possibly could. All got heavy sentences, ranging from "life" downwards, and all were consigned to Millbank, where they are still well remembered—strong, able-bodied, determined-looking scoundrels; quite top-sawyers in the trade of thieving, ready for any kind of daring work, treating their incarceration with the utmost contempt, as indeed they might, for it was nothing new to them. One or two had graduated in crime during the days of the Penitentiary; but neither Mr. Nihil nor any one else had succeeded in reforming them. One had actually at one time been an officer, a warder, in this very prison. Formerly a soldier in the Marines, Leat's career had been rather chequered. He had been present at the siege of St. Jean d'Acre, and was at that time servant to the Admiral, through whom he obtained his situation at Millbank, from which he was soon dismissed for drunkenness. After this he went rapidly to the bad; was caught, and sentenced for obtaining goods under false pretences, next for robbing a lady at Richmond Park, and now for the third time he entered prison as a garroter. Although they maintained throughout, from the moment of their capture, in the dock

and after sentence, an insolent and defiant demeanour, yet in the prison these murderous rogues conducted themselves fairly well; only two of them got into serious trouble. These were Dixon and another, Needham, who together made a vigorous attempt to escape. Dixon cut out, by means of a sharpened nail, the panel in his cell door, unbolted it, got out, and then set Needham also free. Their idea was to surprise the officer as night patrol, and seize his keys. With this object they concealed themselves behind a passage door, and as he appeared struck him behind the ear. Fortunately the blow fell light, and the officer turned to grapple with the prisoners.

Such were the men, and such the work they did. Was it strange that the public should complain of a system of penal repression which left us to the tender mercies of ruffians like these? We had abandoned transportion—and what had we got in exchange? A system which as now administered had "completely failed."* "It may have been a necessity, but it clearly has not been a success. We may perhaps be compelled to retain, or even to extend it; but its administration must be altered. As it is it has no terrors whatever for the evildoer, while it gives but little protection to society."† So spake the *Times;* and, as may be supposed, it spared no pains to support its views with tangible evidence. Its columns teemed with letters on the subject, and special correspondents visited the chief convict establishments to spy out their nakedness and report their inefficacy as places for the punishment of criminals. Convicts, it was agreed on all sides, quite scoffed at the terrors of penal servitude. Bar the loss of actual

* *Times*, Dec. 6, 1862. † Ibid.

liberty, which is doubtless the dearer to a man the closer he approaches to a lower species of animal, the convict prison was made so comfortable to the convict that he was loath to leave it, and hardly dreaded to return. Well-housed, well-fed, with labour just sufficient to insure good digestion and a healthy circulation of the blood; debarred only by a fiction of the luxuries he chiefly loved; let loose from prison as soon as he chose to evince signs of amendment, a convict was altogether master of the situation. So said the critics. Penal servitude was like going down into the country after "the season." A little slow, perhaps; but very healthy and re-invigorating after a racket in town—just the discipline, in fact, to which men careful of themselves are ready to submit for a time, so as to issue forth afterwards braced and strengthened for a fresh campaign of pleasure. In these retired residences there was rest for the tired thief, for the burglar whose nerves had suffered, for the playful miscreant who had been able only to half kill his victim, and who wished to recruit his strength. Here they found congenial society, such as a man meets at his club: others of his own set, with whom he could chat about the past, or concoct new plans for the future. His creature comforts were well looked after; he never worked as free labourers did, in the rain; and if by mischance he did wet his feet, there were dry stockings for him on his return to his cosy well-warmed cell. If he had any special "whims" which called for gratification, an attentive official almost forestalled his wish. The leading feature of the whole system was to keep the convict comfortable and contented.

All this, and more, the panic-stricken public, speaking

through the press, threw in the teeth of the authorities. Reform was called for loudly; trenchant and immediate reform. If the system of penal servitude was at fault, then must we recur to transportation beyond the seas. It is almost amusing to notice how, in their terror, those who were most urgent in their cry for renewed transportation, forgot the complete collapse of that method of punishment only a few years before. Blinded by what they deemed a pressing danger, they ignored past experience; the evils of assignment had faded from memory, and likewise the atrocities of the probation-gangs. All that was present and plain was, that far away from England lay other lands, whereon the sewage might be shot as heretofore; and that such a removal of the criminal classes would rid the mother country of its ruffians and all its alarm. But no sooner was this proposal formulated than difficulties of execution came at once to the front. The colonies, Queensland among others, which had been declared most anxious to receive convicts, entirely repudiated the idea, and asked very pertinently whether they might be permitted in return to transport their own malefactors to the British Isles? Then the geographers began to search out new countries suitable for penal settlements. One suggested the Falkland Islands; another, New Guinea, while Labrador by many was felt to be just the place for colonization.

Happily none of these suggestions went beyond the merest proposals. Had practical effect been given to any scheme for the re-establishment of penal colonies, it would have been met at once by the objection of expense. Of the excessive costliness of transportation there is no manner of doubt. In 1843 in Van Diemen's Land alone the ex-

penditure on convicts was £300,000, and years of patient economy only brought it down to £240,000 in 1848. This sum was but a fraction of the whole outlay; in addition, the home depots, those still retained in Australia, Gibraltar, and Bermuda, had to be paid for. So that speaking roughly, the convicts as a body cost half a million of money. To-day we manage the whole of our convicts for £350,000, while the value of work done, as measured, amounts to £220,000.* There is thus some tangible return for all the outlay; but in a young penal settlement the money is simply poured into a sieve. By-and-by, perhaps, by the creation of new markets and new dependencies, the mother country may benefit to some extent; but these are but indirect gains after all, and the time of fruition may be indefinitely delayed. However much, then, the public might clamour for a renewal of transportation, that it was clearly impracticable was evident to all who approached the question with calmness and deliberation. Yet the difficulty remained. Penal servitude was felt to be inefficient—what remedy was to be applied? Here obviously was work for a Royal Commission; and a Royal Commission composed of capable and experienced men was thereupon appointed, which in truth did excellent service. Of the labours of this commission, and the conclusions arrived at, I shall

* Here are other figures, taken from Colonel Jebb's report of 1851:—

1. Gross cost of transportation, with convict prisons in Great Britain and Ireland, Bermuda, Gibraltar, and Western Australia	£587,294
Net cost, after deducting value of labour	419,476
2. Gross cost of an assumed maximum of 17,250 males, and 1200 female convicts at home, and at Gibraltar, Bermuda, and Western Australia	370,750
Net cost after deducting value of labour	£195,700

speak by-and-by more at length; let us pause now for a moment to consider what was the real meaning of this penal servitude, which was so much abused on every side. Did it indeed deserve to be called inefficient, if not entirely a failure?

Some years had elapsed since transportation had quite come to an end; since Van Diemen's Land, following suit to New South Wales, elected to forego the advantages of cheap labour, rather than be inundated any longer with our convicts. After two years' suspension, transportation thither had been resumed in 1850 in a modified form. The men sent out were those, who having been subjected already to penal discipline at home, were deemed to be purged and purified. But the people of Van Diemen's Land would not have them at any price nor in any shape or form. Although pains were taken to explain that these were well-disposed "ticket-of-leave men," not convicts, their reception was violently opposed. A struggle ensued, but in the end the Imperial Government gave way, and the last convict ship sailed for Van Diemen's Land in 1852. While we cannot withhold approval of the course the colony adopted, there is no doubt that it was almost suicidal. Mr. Trollope, who visited Van Diemen's Land, now known as Tasmania, in 1871, describes in graphic language the consequences to the colony of its magnanimous conduct. Absolute stagnation and want of enterprise everywhere apparent, the skeletons of great works in ruins, others half finished doomed to decay for want of hands, land relapsing into uncultivation, towns deserted, grass growing in the streets—the whole place lifeless and inert. Possibly, if the question were again put, the answer would be in different terms. But

in 1850, the discomforts entailed by transportation were so recent and disagreeable, that these colonists could not be brought to believe that by a better system of administration such evils might be altogether avoided.

Nor were the people of Van Diemen's Land singular in their resolve. Even before they had in plain language so declined, other colonies had displayed a similar unmistakable reluctance to become receptacles for convicts. As early as 1848, Earl Grey, in search of new fields for transportation, had addressed a circular to all colonial governors, pointing out in persuasive periods, the advantages to be gained by accepting this valuable labour which, nevertheless, no one cared to have. Strange to say, only one colony—that of Western Australia—replied affirmatively to this appeal. At the Cape of Good Hope, the appearance of a convict ship in 1849 produced a tumultuous and indignant protest.* At other places the bent of the colonial mind made itself equally unmistakable, so that it was at length openly announced in the House of Commons, that unless our

* It was in September, 1849, that the *Neptune* convict ship reached Cape Town from Bermuda. The moment her arrival was signalled, the church bells began to toll half-minute time, and a public notice was put forth by the anti-convict association, calling on the people to be calm. At the same time the municipal commissioners addressed the Governor, Sir Harry Smith, begging that the *Neptune* might be forthwith ordered to leave the shores of the Cape. "The convicts," they said, "must not, cannot, and shall not be landed or kept in any of the ports of the colony." Sir Harry's answer was that he must carry out his orders; upon which the people drew a cordon round the ship and cut off supplies from Government House, so that His Excellency could get no meat, and had to bake his own bread. Finally, he agreed to compromise, and the *Neptune* was allowed to remain in the Bay till a vessel could be sent home for instructions. The authorities at home considered the opposition at the Cape too serious to be resisted, and directed the *Neptune* elsewhere.—*Annual Register.*

colonial possessions grew more amenable, transportation must cease.

As all these various questions covered a period of several years, it can be hardly said that the crisis which necessitated change came suddenly or all at once. The Government was loath to surrender till the very last the idea of maintaining the existing system or something like it, but they were not without fair warning that they were building on hopes delusive and insecure. And it is evident that throughout the period of doubt, they gave the question the most anxious care, although the evident disposition was more towards tinkering up what was rickety and useless, than substituting a radically new plan. To this, no doubt, they were in a measure forced. The mere idea of retaining a large mass of convicts at home was hailed by the public with alarm; and it became almost an axiom that offenders sooner or later, but as a rule inevitably, must be banished from the country. This was the underlying principle of every scheme. The convicts must be removed to a distance, not necessarily as a punishment—it might be as a boon to themselves—but in any case as a benefit to their country. In point of symmetry the method is undoubtedly admirable; theoretically perfect now as it was then. The assisted emigration of discharged prisoners supplies the easiest means of providing them with that honest labour which is supposed to preserve them from a relapse into crime. But whether as freemen, exiles, or convicts in chains, they were all indelibly branded with the stigma of their guilt, and we cannot even now find a country ready to receive them. At the time of which I am writing the resolute attitude of all the colonies, save one, compelled us to reconsider our

position. We were forced, in fact, though sorely against the grain, to make the best of a bad bargain and keep nearly all our convicts at home. These might be taken in round numbers to average some eight thousand—the largest proportion in England, a few hundreds only at Bermuda and Gibraltar. What was to be done with them?

Fortunately a solution of the difficulty was not far to seek. It was to be found in the new prison at Portland, which had been called into existence as part of Sir George Grey's scheme to purify "probation;" and the nucleus or germ thus supplied was capable of indefinite development as needs might arise. It would be incorrect to assert that the Portland Breakwater owes its origin to this vexed "convict question," inasmuch as years before, in 1843, that is to say when "probation" was still in full swing of supposed success, the Select Committee on Harbours of Refuge had warmly advocated the construction of some such work in Portland Bay. The objects of this great national undertaking—now in the lapse of years become an actually accomplished fact—were to secure a naval station in war, and at the same time to "afford shelter and safety to the commercial marine in the long line of coast extending from Plymouth and Torbay, to Portsmouth and the Downs." Materials for the work lay close at hand. Portland quarries were filled with vast heaps of refuse stone exactly suited for the work; this stone was the *débris*, the inferior strata which had in all cases to be first removed before the "best bed" was reached, wherein lay that superior quality of which St. Paul's, Whitehall, and other edifices are a standing advertisement to this day. All this had been fully discussed by the Select Committee;

and the Portland works were finally decided just before this convict difficulty cropped up. But here indeed was an additional and a stronger argument to recommend the undertaking. Two birds would in fact be killed by the same stone. The convicts otherwise redundant would be profitably employed, and a great harbour would be constructed at a distinct saving to the public. No wonder that Sir James Graham grasped at Portland as a drowning man might at a straw. But in reality he found a substantial life-buoy rather than a straw, and by means of it came safe to shore.

The execution of the scheme was entrusted to Colonel Jebb of the Royal Engineers, who was already well known in connection with prison building and generally with penal legislation. He had for some years past been associated with the two official inspectors of prisons; after that he had assisted in the superintendence of Millbank, when constituted a convict depot, and he had been in reality the moving spirit of the commissioners who built the "model" prison at Pentonville. In those early years he gave undoubted earnest of his energetic character and great powers, a promise hereafter more than fulfilled. Colonel Jebb's task was in the first instance to provide accommodation of some sort on the island of Portland wherein the convicts might be securely lodged immediately adjoining their works. He describes, in a memorandum dated 1847, the style of place he proposes to build. Naturally, he says, when the works on which the prisoners are to be employed are likely to be completed within a limited time, something less costly than a substantial prison would suffice. Safe custody, and the due enforce-

ment of dicipline must of course be secured; but these might be obtained without any very extravagant outlay. He suggested, therefore, buildings on wooden frames, with corrugated iron partitions; the whole so constructed as to be easily taken to pieces and removed to another site if required. In these buildings the convicts might be kept safe and separate, at the probable cost of little more than £34 per cell. Similar prisons might be run up anywhere, so that the whole number of convicts for whom accommodation was required might be housed for a couple of hundred thousand pounds. Colonel Jebb accompanied this proposal with certain figures as a set off against this outlay. He assumed that the maintenance, including every item of the whole number, would amount to £158,000, but their earnings would be £180,000. The balance gain was therefore of £22,000—a sufficient interest on the original cost of the prison buildings. These figures were speculative of course, nor were they found exactly accurate in practice, although there is no great difference in the balance gain. The cost of maintenance proved undoubtedly higher than thus estimated, but *en revanche* the earnings were also considerably more.

Three years later, in March, 1850, Colonel Jebb reports to the Secretary of State that he has provided room for 840 prisoners at Portland. "The main buildings consist of four large open halls, eighty-eight feet long by twenty-one broad, having four tiers of cells on each side." The interior of the halls were well ventilated, and could be warmed; the cells were seven feet by four, and furnished with hammock, tables, shelves for books, etc. "The cells are divided by partitions of corrugated iron, and are sufficient

to secure the effectual separation of the men at night, and to admit of their taking their meals in them, and reading or otherwise occupying themselves after working hours, till they go to bed." In addition to the cell accommodation there was of course full provision for officers' quarters, chapel, kitchen, wash-houses, stores, and so forth. Moreover ample space was reserved "within the boundary wall for the erection of additional buildings, so as to increase the number of convicts to 1200 or 1500, if it should be found necessary or desirable." Everything was now in fair working order. The foundation stone of the breakwater had been laid in July, 1849, by Prince Albert, who visited the prison and presented a Bible and Prayer-Book for use in its chapel; but till then, and during the first year of the occupation of a "bleak and barren rock" the convicts were chiefly employed in setting things straight within the prison walls. They had to level parade grounds, make roads and reservoirs, fit gates and doors, paint and clean up the whole establishment. As soon as practicable they were turned on to the breakwater works. "The stone," says Colonel Jebb, "is to be removed from the quarries by means of several lines of railways, which are arranged in a series of inclined planes from the summit to the point where the breakwater joins the shore. The waggons will be raised and lowered by wire ropes, working on 'drums,' placed at the head of each 'incline,' the loaded train in its descent drawing up the empty one from the breakwater."

In the general detail of work, the share that fell upon the convicts was the plate-laying, levelling, forming embankments and excavations, getting out and stacking the

stone, filling the waggons, sending them down and bringing them back from the incline. Some 500 were so employed during the first year, 1849, and their earnings were estimated at about £15,000.

Portland when thus fairly launched became the starting-point for the new arrangements. Other prisons were needed, and they must be built like Portland. But time pressed, and anything actually available at the moment was eagerly pressed into the service. Down at Dartmoor, on the high lands above Tavistock, was a huge building which had been empty now for five-and-thirty years. Its last occupants had been the French and American prisoners of war, who had been confined there down to the peace of 1814. Ten thousand, some said twelve thousand had been accommodated within the walls — surely there must be room there for several hundred convicts? Colonel Jebb, hearing that Captain Groves from Millbank was staying down at Plymouth, begged him to run over to inspect Dartmoor. The place was like a howling wilderness; the buildings in places without roofs; the walls in holes, if not in ruins. But a few repairs would soon make the place habitable, said Captain Groves; and accordingly a batch of convicts, under Mr. Morrish, were sent down to commence operations. In a short time Dartmoor prison was opened. Then other receptacles were prepared. The hulks had been pressed into the service, and were employed, but only as a temporary measure, at the various dockyards to house the convicts till proper buildings on the new plan could be erected. There were ships at Woolwich, and others at Portsmouth. At the first station the old *Warrior*, and the *Defence*, took

the able-bodied, while the *Unité* served as a hospital; at Portsmouth there were the *York*, *Briton*, *Stirling Castle*, till 1852, when the new convict prison was occupied. Soon after this, in 1855, contracts were entered into for the erection of a large prison at Chatham, which was completed in 1858, and to which all those at the Woolwich hulks were in course of time transferred. The intention at both these stations was to devote a mass of convict labour to further the dockyard extensions. At Chatham the object in view was to construct, high up the tortuous Medway, a chain of artificial basins capable of containing our fleet. Hither beaten ships might retire to refit; while new ironclads, built in the dock close by, might issue thence to retrieve disaster. From the first the work was of an arduous character. The battle was against the tide and the treacherous mud. But already (1875) the whole of St. Mary's Island has been reclaimed; marsh has given place to solid ground; two basins are completed, and the third will soon be ready for use. At Portsmouth a feat has been accomplished, not exactly similar, but wonderful also in its way.

So much for the framework—the bones, so to speak, of the new system; let us see next something of the living tissues with which it was filled up.

Speaking broadly, it may be laid down that the plan of treatment inaugurated by Colonel Jebb and his colleagues, was based on persuasion rather than coercion. This, indeed, they openly allowed. They were not advocates for a "purely coercive and penal discipline." They conceived that there was sufficient punishment without that; the convicts suffered enough in the "long periods during which

they remained under penal restraint," and there was further discomfort in "their eventual deportation to a distant colony,* and the somewhat severe restrictions to which they are subjected when they gain the boon of a ticket-of-leave." The directors of convict prisons hoped, therefore, to accomplish their object by reward and encouragement rather than by strictness and terror. They desired to put it plainly before every convict that if he would but continue quiet and obedient, he would be sure to benefit in the long run. It was really worth his while to be good, they said. "It will convince us that you are on the high road to reform, and the sooner we are convinced you are reformed, the sooner you will be set at large." Everything was made to depend on conduct—good conduct—in other words, the mere formal observance of rules, a submissive demeanour, and a readiness to echo—but with hypocritical hearts—the lessons the chaplains taught. The word "industry" was tacked on to "conduct," but only in a subordinate sense, and so long as the convict was civil he might be as lazy as he liked.

Precise rules provided the machinery by which a due estimate of each man's conduct was to be obtained. Every governor of a prison kept a character-book, in which he was to enter concisely his observations upon the character and conduct of every prisoner, so as to be thus enabled to reward him by classification and good-conduct badges, and more especially "to report with confidence whenever he may be called upon in conjunction with the chaplain to assist the authorities in determining the period

* These regulations were drawn up at a time when transportation was still practised, though only to a limited extent.

of detention of the different prisoners." The same rule went on to say, "He (the governor) shall take every opportunity of impressing on the prisoners that the particulars of their conduct are thus noticed and recorded; and that whilst no effort at good-conduct and industry on the part of a prisoner will be disregarded by the authorities of the prison, every act of wilful misconduct and punishment will be equally noted, and will tend to prolong the period of his detention under penal discipline." The governor's opinion was to be endorsed by that of the chaplain, and even the subordinate officers were called upon to record their views of the demeanour of the prisoners they especially controlled. The whole object of this classification and this supervision was to "produce on the minds of the prisoners a practical and habitual conviction of the effect which their own good conduct and industry will have on their welfare and future prospects."

These extracts from Colonel Jebb's earliest reports will be sufficient to indicate the bias of his mind. He too, like others who had gone before, was hopeful of reformation by purely moral means. As he has himself declared in one of his reports, he thought he might more surely gain the great end he had in view by leading than by driving. Upon this principle the whole system of management was based. There can be no question that those who were its authors took their stand upon the highest ground. They were called upon to inaugurate a new order of things, and they did so to the best of their ability, in the most straightforward conscientious fashion. The glaring evils of transportation, as it had been administered, were then still staring them in the face. "Speaking humanly," says Colonel

Jebb,* "the demoralization of every individual sentenced to transportation was certain. No matter what might have been his previous character, what the amount of his constitution, or what the sincerity of his efforts and resolutions to retrace his steps, he was placed within the influence of a moral pestilence, from which like death itself there was no escape." The necessity for great and radical changes was imperative; and these changes were carried out in the manner I have described. Great results were expected to follow from them.

In the first year or two everything appears *couleur de rose.* "As a body the men show a spirit of willing and cheerful obedience. The strictest discipline is maintained with a very small proportion of punishment. The industry of the working parties is remarkable." Again, the same report asserts that "any candid and dispassionate inquiry into the condition and prospects of the convicts who have passed through periods of penal and reformatory discipline at Pentonville and Portland, will prove beyond doubt that, to say the least of it, the majority of those now serving, are likely on their release to be respectable in their station of life, and useful to those who engage their services; thus realizing the anticipations of the Pentonville commissioners, that a large proportion of our convicts would be qualified on their discharge to occupy an honest position in their own or any other country."

This was in 1852. The system was to have ten years to run—ten years of trial, so to speak—before it was attacked with the shower of obloquy to which I have referred at the commencement of this chapter. What had happened

* General Report of 1861.

in the interval? Was the method of management preserved intact? Had it deteriorated, or had other causes interfered to pave the way to failure? I will endeavour to answer these questions in a few words.

Not only was all the fair and soft treatment with which the system had started in effect maintained; if anything it was altogether over done. The tenderness and considerateness of the authorities grew and increased till at length it knew no bounds. Far-seeing and able as was Sir Joshua Jebb, however skilful and capable as an administrator, on one point he was weak. It was an amiable weakness, but it did both himself and his system incalculable harm. He had formed too high an opinion of the criminal class; he was too hopeful, too ready to accept the shadow for the substance, to be satisfied with promise rather than performance, and to view the outward whitewashed semblance of purity for the radical transformation of the inner man. This was the key-note of the system, and this as time passed grew and gained strength, till at least there was some semblance of truth in the allegations so freely cast in his teeth. It became known, and this beyond contradiction. that the diet in those days was far too generous; that the care taken of the convicts was tender to the extent of ridiculous coddling; that the labour exacted was far below the amount that each might reasonably be expected to perform. These facts, which are more or less proved by the evidence before the commission of 1863, are fully borne out by the traditions of the department itself. Old officers tell me that in all the prisons discipline was almost a dead letter. The convicts themselves ruled the roast. They did not break away, because there were troops at hand who would shoot

them down; but otherwise they did just what they pleased. Their warders taking their cue from the supreme power sought to humour them into obedience by civil speeches rather than by firmness and resolution. The officers were afraid to enforce their orders, and the convicts saw that they were afraid. Men who are over fed, if they are also idle, are sure to prove saucy and run riot. Some of the scenes at the convict prisons were disgraceful, almost rivalling at times, but without the fearful consequences, the anarchy and disorder I have described in chapter ten.

That the convicts were thus as a body insolent and insubordinate, was undoubtedly due to the petting and pampering they received. But another, and a potent cause too, was the unsettled dissatisfied spirit evoked in the whole mass by several successive alterations in the law—alterations which it was absolutely necessary to introduce, but which none the less produced unevenness of treatment between various classes of prisoners.

The first change was in 1852, when transportation was found to be at its last gasp. Some substitute was needed because there were thousands awaiting removal, and yet no outlet for them. "After much anxious consideration it was determined by the Government to commute their sentences to inprisonment in this country for certain proportionate periods—three years for seven years, and so on.* At the same time a new style of punishment was invented, to describe which the words "penal servitude" were coined, and passed current in the language. Of course those under the first system were to leave prison at the end of their commuted terms; but they went out as ticket-

* Sir Joshua Jebb: Report of 1857.

of-leave men, and not absolutely free; while those who were sentenced, after 1853, to the new punishment, remained within the walls to the last.

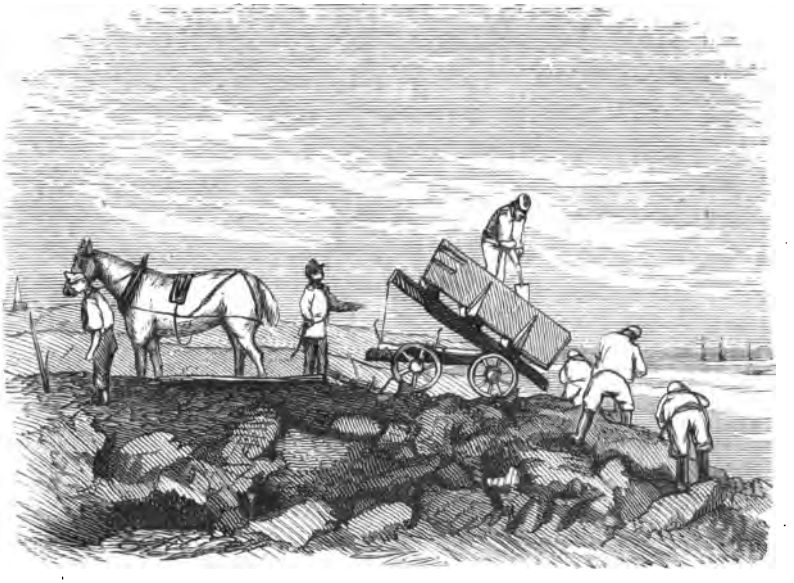
Here, then, an invidious distinction was clearly instituted, although the evil effects thereof were not for some time apparent. But as the years rolled by, numbers of the "transportation men" were set at large as holders of tickets-of-leave. Their conduct was not quite blameless, and there was soon an indignant outcry at their premature release. Of course every offence committed everywhere was fastened upon them, and the system which permitted them to be out and at their mischievous work. Sir Joshua Jebb was of opinion that more was made of the matter than the occasion justified. He considered that "into this outcry was enlisted all the disappointment that had been felt, and all the alarm which had been excited at the bare idea of the discontinuance of transportation, which necessarily involved the release at home of so many rogues who had hitherto been finally got rid of."

Immediately following this outcry, however, came a fresh consideration of the question, and a fresh Act of Parliament, making further and new provisions. Of this the prominent feature was the extension of the terms of penal servitude which a judge might pass, to correspond with the former terms of transportation. By the same Act the method of granting tickets-of-leave was fully "recognized and recommended, so that a measure which had been adopted as a convenience, or necessity, in commuting a sentence of transportation into one of which a portion should be imprisonment, and the remainder on license, became part and parcel of our penal administration." The

actual consequences of these changes were that in all the prisons there were convicts serving side by side under these different conditions. "Some with remissions under the old Transportation Act; some without remission, sentenced between 1853 and 1857; others with remission under the Act of 1857." No doubt, then, those in the second category had some sort of grievance, and the temper of the convicts was not, in these days, such that they exhibited longsuffering patience under even more trivial trials.

Many prescriptions were tried to remedy the discontent —increased food, greater privileges, more persuasive talk. But to a prisoner such substitutes are mere dross compared to the true gold of freedom to pass beyond the prison walls. Nothing would keep the malcontents quiet; and where a few are evilly disposed among a crowd of men, others without just cause of complaint are soon sucked in and go with the stream. After festering and rankling below the surface for some time the mischief came to head in an outbreak at Portland in 1858, where the convicts threw down their tools and in a body struck work. By-and-by a much more serious mutiny occurred at Chatham. But both were happily checked without bloodshed, and by the mere exhibition of armed force.

Finally, in 1862, the "garroters' panic" broke upon unprotected London. Then it was that the last new system of secondary punishment—the system which had grown by slow degrees out of the remnants of "transportation," and which was now ten years old—was arraigned to show cause why it also should not give place to something more satisfactory to all concerned.



CONVICTS AT LABOUR AT CHATHAM.

CHAPTER XII.

GENERAL CONCLUSIONS.

It cannot be said that the verdict of the commissioners appointed to report in 1863 was unfavourable to the system they were called upon to review. On the contrary, they declared that the general impression that the punishment as administered under Sir Joshua Jebb was not of a sufficiently penal character, was erroneous. The commissioners could not admit that the system was really at fault. The life of the prisoners, they said, was extremely monotonous. "Having been used in most cases to constant

change and excitement, they are debarred from all pleasures and amusements, they are compelled to pass their time in a dull unvarying routine of distasteful labour, and at the close of each day's work they return to the cheerless solitude of their cells." No doubt they did less work than many a free man gladly performed of his own accord; but the convicts' labour was nevertheless not light, and they all hated it most cordially. Again, they were not really too indulgently treated. If, for instance, they took shelter from a light shower of rain, it was only because there was a difficulty in the prisons of drying rapidly a quantity of wet clothes. The commissioners were not even sure that the convicts' diet was excessive, although satisfactory evidence was put before them that convicts were better fed than paupers in workhouses or than numbers of the free labouring poor.*

But having made these admissions, the commissioners could not deny that "the system appears to be not sufficiently dreaded by those who have undergone it, or by the criminal classes in general." The number of re-convictions, they thought, proved this; moreover, "the accounts given of penal servitude by discharged convicts, and the fact that they generally come back so soon† to their original haunts, tends to prevent its being regarded with fear by their associates. Indeed, in some (though doubtless exceptional) cases, crimes have been committed for the sole purpose of

* Mr. Harries, an official at Gwydyr House, supplied long and valuable tables to prove this, which will be found in an appendix to the report of 1863. His statement may be briefly summed up in the facts: 1. That in prison a man got 377 ounces of food weekly, costing 4*s.* 1*d.*; while, if free, he would have to support himself and family on 8*s.* a week. 2. Lunatics and paupers could be fed at the rate of 2*s.* 4*d.* per week.

† By obtaining an early release on ticket-of-leave.

obtaining the advantages which the offenders have supposed a sentence of penal servitude to confer." The system could not, therefore, be called perfect. It had failed to some extent —but how? The commissioners attributed its shortcomings in a minor degree to defects in the discipline maintained, but thought the blame lay really in the shortness of the terms of imprisonment awarded in the courts of law.

To speak first of the latter point: the commissioners reported that there had been a notable reduction for some years previous in the length of sentences, and to make them still lighter came the remission of time granted under the new rules.* It was a curious fact that the late increase of crime had corresponded in point of date with the discharge of prisoners who were first sentenced for short terms under the Act of 1857, and was probably mainly attributable to their release from custody.† And they had come out unchastened. "The discipline to which convicts are subjected does not produce its proper effect in short periods of punishment."

Next as to the discipline. It was clearly a mistake to lay so much stress on conduct only. It was wrong, too, that the convicts should be allowed to earn enormous "gratuities," or sums to be handed over to them upon discharge. Many left prison with £30, £40, sometimes £80, in their pockets. The effect of this was to make a sentence of penal servitude an object of desire, rather than of apprehension. Besides,

* The Act of 1857.

† This increase was incontestable—1860 showed no increase or decrease on previous years, but in 1862, convictions in England rose from 12,066 to 15,312; and sentences to death or penal servitude in England increased from 2,267 to 3,196. Robberies of violence rose from 32 in 1860 to 97 in 1862, and burglaries in the same time rose from 179 to 259.—*Parliamentary Report on Penal Servitude*, 1862.

the longer a man's sentence—presumably, therefore, the greater his crime—the greater the sum he was entitled to take away with him. Again, the measures to keep the prisoners under coercion were far too mild. Punishment did not follow fast enough on acts of violence and aggravated misconduct. The infliction of corporal punishment was too restricted, and the "cat" used too light. There should be more power to use it and greater promptitude in its infliction. Then came the work and the diet; but on these points the committee spoke with less confidence. Last of all, there was an entire absence of supervision of those who were at large on ticket of-leave.

Having enunciated these propositions, the commissioners went on to recommend certain important changes in the manner of carrying out penal servitude, chief among which were:—

1. That in future no sentence should be passed of less than seven years.

2. That re-convicted criminals should be treated more severely than others.

3. That convicts, after enduring separate imprisonment for nine months, should pass on to public works, where they might be permitted to earn by industry and good conduct an abridgment of a part of their imprisonment.

4. That all males, if possible, should be sent to Western Australia during the latter part of their sentences, "it being highly desirable to send convicts, under proper regulations and without disguise, to a thinly peopled colony, where they may be removed from their former temptations, where they will be sure of having the means of maintaining themselves by their industry if inclined to do so, and where facilities

exist for keeping them under more effective control than is practicable in this country with its great cities and large population.

5. That all who were unfit to go, and, gaining a remission of sentence, were discharged at home, should while on licence be subjected to close supervision by the police.

Such was the substance of the report. But it is right to mention here that the commissioners were not quite unanimous in the conclusions arrived at. Two of them, Mr. Henley and the Lord Chief Justice, would not sign the report. Mr. Childers put his name to it, but under protest. He could not agree to the proposals as to transportation. His view was the Australian one, and he was of opinion that "the measures recommended—while costly to the country and odious to her colonies—would at best afford only a brief delay in the solution of a question daily becoming more difficult."

But by far the most important of the dissentient voices was that of Sir Alexander Cockburn, the Lord Chief Justice, who appended to the report a long memorandum giving his reasons for not concurring in it. After a careful perusal of this, the reader would, I think, be ready to concede that the Lord Chief Justice went nearer the mark than his colleagues. They hesitated to admit that our penal system was defective. Sir Alexander Cockburn had no sort of doubt of it, and maintained that the same impression was pretty generally abroad. But if there were faults in it, said the commissioners, then the administration of the law was to blame, it was too lenient. To this the Lord Chief Justice would by no means agree. The leniency of the judges, as it had shown itself of late, was nothing. "The

spirit in which the law is administered," he observed, "is not the growth of yesterday. It has arisen gradually out of the more humane and merciful disposition of men's minds in modern times, whereby punishments inflicted without scruple in former days would now be regarded cruel and inhuman." No; the inefficacy of penal servitude did not lie in the shortness or inequality of sentences, but in the manner in which the punishment is inflicted. "Moderate labour, ample diet, substantial gratuities, are hardly calculated to produce on the minds of the criminal that salutary dread of the recurrence of the punishment which may be the means of deterring him, and through his example, others from the commission of crime."

And then the Lord Chief Justice goes on to put forth the following pregnant sentences, which I quote in full. In taking up the question of punishment, he says, "It is necessary to bear in mind what are the purposes for which the punishment of offenders takes place. These purposes are twofold: the first, that of deterring others exposed to similar temptations from the commission of crime; the second, the reformation of the criminal himself. The first is the primary and more important object: for though society has, doubtless, a strong interest in the reformation of the criminal, and his consequent indisposition to crime, yet the result is here confined to the individual offender; while the effect of punishment as deterring from crime, extends, not only to the party suffering the punishment, but to all who may be in the habit of committing crime, or who may be tempted to fall into it. Moreover, the reformation of the offender is in the highest degree speculative and uncertain, and its permanency in the face of

renewed temptation exceedingly precarious. On the other hand, the impression produced by suffering inflicted as the punishment of crime; and the fear of its repetition, are far more likely to be lasting, and much more likely to counteract the tendency to the renewal of criminal habits. It is on the assumption that punishment will have the effect of deterring from crime, that its infliction can alone be justified; its proper and legitimate purpose being not to avenge crime but to prevent it.

"The experience of mankind has shown that though crime will always exist to a certain extent, it may be kept within given bounds by the example of punishment. This result it is the business of the lawgiver to accomplish by annexing to each offence the degree of punishment calculated to repress it. More than this would be a waste of so much human suffering; but to apply less, out of consideration for the criminal, is to sacrifice the interests of society to a misplaced tenderness towards those who offend against its laws. Wisdom and humanity no doubt alike suggest that, if consistently with this primary purpose the reformation of the criminal can be brought about, no means should be omitted by which so desirable an end can be achieved. But this, the subsidiary purpose of penal discipline, should be kept in due subordination to its primary and principal one. And it may well be doubted whether, in recent times, the humane and praiseworthy desire to reform and restore the fallen criminal may not have produced too great a tendency to forget that the protection of society should be the first consideration of the lawgiver."

I have dwelt thus at length upon the committee of 1863 because upon the recommendations put forward in its

report are based the outlines of our system of secondary punishment as it exists to the present day. Nearly all the reforms and changes indicated have been by this time brought about. There is no longer a wasteful superabundance of food in the prisons; the gratuities have been cut down to the more modest sums of two and three pounds. Convicts are not, it is true, sent still to Western Australia; but that is simply because we do not need to send them—there or anywhere else.* The laws for the supervision of convicts at large upon tickets-of-leave has been elevated almost to a science under the recent searching acts relating to habitual criminals.

But one other, by far the most important improvement that followed this report, was the adoption of the "mark system"; in other words, of a method by which remission was to be regulated, not by conduct as heretofore, but solely by labour actually performed. For it must be understood that the commissioners unhesitatingly accepted the principle of remissions. In this they were at issue with the Lord Chief Justice, who thought that no prisoner should escape one particle of the whole sentence laid upon him by the judge. "It was most material," he said, "to the full efficiency of punishment that its infliction should be certain." The door was opened to doubt and uncertainty the moment you allowed the precise term of the sentence to be interfered with. The objection was cogent if the remissions were to be granted in a hap-hazard, capricious fashion and not by regular rule. But surely,

* We have indeed learned to do without this forced emigration as an opening for convicts on discharge from prison; and this is to a large extent due to the praiseworthy action of the Discharged Prisoners' Aid Society, 39, Charing Cross.

if the scale were drawn up on a regular plan and worked without deviation, a sentence with remission might be just as certain as one without. The former might, perhaps, be shorter than the latter—our judges being perfectly aware of the possible remission would regulate their sentences in proportion to this abridgment.

On the other hand, there was a clear and distinct gain to be expected from the practice of remitting sentences. This was fully recognised by the commissioners. "The hope of earning some remission is the most powerful incentive to industry and good conduct which can be brought to act upon the minds of prisoners." The commissioners perhaps laid more stress on good conduct than was absolutely imperative, although they pointed out, very pertinently, that "good conduct in a prison (apart from industry) can consist only in abstaining from misconduct, which gives no just claim for reward." But this harping upon good conduct was a weak point in their armour which the Lord Chief Justice quickly discovered. He would not admit the necessity for thus coaxing convicts into obedience by promising them an earlier release if they behaved well. That was no argument, he said, for remissions. Discipline ought to be strong enough to be independent of such questionable support. "I can see no reason to think," he goes on,—"considering the powers of coercion, discipline, and reduction of diet, possessed by the prison authorities—that, by the application of firmness and determination with a sufficient force of officers, convicts, especially if not massed in too great numbers, but judiciously distributed, may not be kept under perfect control and discipline."

No doubt the commissioners over-estimated the necessity

of remission as a means of insuring good conduct; but they were clearly in the right in recommending the principle as a certain incentive to industry. The experience, both of this and of other countries, has demonstrated that it is impossible to compel convicts to work hard by mere coercion, the attempt to do so having invariably failed, while it has produced a brutalizing effect on their minds and increased their previous aversion to labour. On this ground the late Captain Maconochie many years ago recommended that the punishment to be inflicted on criminals should be measured, not by time, but by the amount of labour they should be compelled to perform before regaining their freedom; and he devised an ingenious mode of recording their daily industry by marks, for the purpose of determining when they should have a right to their discharge.*

Captain Maconochie himself experimented on his own suggestions, in Norfolk Island, but not with any great success. The state of Norfolk Island, indeed, was never such as to encourage experiments of any kind. It was really reserved for the officials who superintended the working of transportation in Western Australia† to give the system its first practically successful trial. There a convict was allowed to earn by each day's labour a number of marks, and as soon as they amounted to a total previously calculated according to his sentence, he was granted a ticket-of-leave. Industry now became the test, and not good conduct; the latter was only recognised by making misconduct carry with it a forfeiture of some of the marks already earned by industry.

* Report, p. 27.

† Captain (now Colonel) Henderson was the Comptroller-General of Convicts in the colony.

The convict's early release was no longer a matter of certainty provided only that he avoided certain acts of rebellion, but it was made contingent on something he had to earn. His fate rested in his own hands; it was not to depend upon the opinion others formed of his character. The success which was shown to have attended the adoption of this principle in Western Australia has been equally apparent in this country. The mark system, which I shall describe directly, is the keystone, the mainspring of our present method of dealing with our convicts, and the valuable results which have grown out of it are now-a-days clearly apparent.

Perfect, however, as is the mark system in theory, it is possible that in practice it might have been less successful had not its introduction been accompanied by a new and stringent discipline.

In 1864, with other alterations came also the appointment of a new band of administrators—those for the most part who had gained their experience in Western Australia; and with this new blood came new vigour into the working of the machine. They administered, naturally, to the legacy left them by their predecessors, taking up the system as they found it; but upon this they soon grafted many new and salutary reforms of their own. More especially was it evident that from henceforth there would be no more ill-advised pampering of criminals.

I will here describe briefly what this new discipline really is. It may be said to be based primarily on the rule laid down by the Lord Chief Justice to which I have already referred: it is intended to be deterrent rather than reformatory, to affect more the criminals *in posse* than *in*

esse. Not that reformatory efforts are slackened. They are merely subordinated. "Reformation," says a high authority, "is an object which for every reason we are bound to follow strenuously; but it must not be effected in such a manner as to interfere with the deterring principle, because punishment is primarily to prevent crime by the warning held up to those who might, but for such influences, fall into it."* The new system is essentially one of insistance rather than entreaty; but it cannot be called harsh, though it is undoubtedly stern.

A convict sentenced to penal servitude passes through three stages. In the first he endures nine months' "separate" confinement in one of the London prisons—either Millbank or Pentonville; which is supposed to be about as much of that severely penal discipline as a human being can safely bear. Thence he proceeds to "the works" —to one or another of the government prisons in the country according to his physical fitness for the *travaux forcés* in progress at each. These prisons are at Chatham, Dartmoor, Portsmouth, and Portland. The work at each varies slightly in severity as it does in character. At Chatham and Portsmouth, the bulk of the prisoners are engaged in excavating, digging, and moving clay, which is laborious in the extreme; at Portland till lately the work consisted principally in quarrying, removing and building up afresh the stone in the breakwater and on the fortifications; at Dartmoor the reclamation of waste land, and its subsequent tillage, finds employment for all hands.

* An Account of the Manner in which Sentences of Penal Servitude are carried out in England. By Lieut.-Col. Du Cane, C.B., R.E., Surveyor-General of Prisons.

Here, at these large establishments, the convict for the first time finds himself under the operation of the mark system. His sentence is represented by a certain equivalent — thus, five years means 9300 marks, seven years 13,680, ten years 21,300, and so on. The following simple formula will explain how these sums have been arrived at:—

$$6\ (S \times 365 - 270) = M.$$

where S is the sentence in years, and 270 represents the days spent in separate confinement, when the convict earns no marks. The 6 represents the minimum of daily marks; but the maximum he may earn is eight, and he can thus overhaul his time, so to speak, day by day, till he reduces it by one-fourth. His daily industry is measured by the official under whom he works, and duly entered in the "Party Mark-Book," a book closely inspected by the superior officers as a guarantee of fair play to the prisoner. But the prisoner is also allowed to know how he stands, and he has in his possession a card on which the marks as they accrue are carried to his credit, and he can appeal if he thinks they have not been awarded fairly.

Marks, marks, marks,—these are in truth the subject of a convict's dreams and of every waking thought. He jealously guards what he has got, and as strenuously he seeks to add to his store. These marks are a bribe which persuade him to work by the convincing argument of personal advantage. He gains thereby not the promise of money in sums,—which it was both unfair to grant and demoralizing to him to receive,—but the priceless boon of a speedier return to his home beyond the walls. By this device many of the evils urged against "forced labour" are

to a great extent removed. It has been said that no man will try his best who is forced to work. This was one of the arguments against the system of assignment, as tending to show that the convict servants were nearly valueless. But by the mark system, over and above the ordinary stimulus given to industry, there is the still greater inducement to show skill, aptitude, and intelligence; for, it being the convict's great aim and object to gain marks, it follows also that it is his desire to gain them as easily as he can. Hence he realizes readily the privilege of being raised above the level of the unskilled labourers around him, who are committed to a regular routine of only the same monotonous and irksome toil. Hence, also, if he knows a trade or handicraft, he grasps eagerly at any chance of being allowed to follow it; and if actually so selected, he is careful to put forth his best abilities for fear of relegation to the severer labour from which he has but just escaped. In the same way those who know no trade are disposed to give their best endeavours to learn one; and, without exception, all who are still in the heavy "gangs," will labour on with alacrity, hoping thereby to establish some sort of claim to pass on afterwards to lighter and more agreeable work. The impetus thus given to intelligent industry and to cheerful alacrity only those who are in daily observation of it can fully appreciate. But it may be seen also in the results accomplished, in the style of work which can be undertaken and successfully carried out; but of these I will speak more at length further on.

But, however gained, the convict in course of time comes to the day when his card is full. Here and there men forfeit the whole of their remission; but as a general rule—

some sooner, some later—are granted the great boon for which they have hopefully toiled on. They are released from prison, as it is called, "on licence";—that is to say, they have the Queen's licence to be at large before their sentences have expired. This is, in common parlance, the ticket-of-leave. But, though free from prison restrictions, the condition of a licence-holder is far from one of absolute freedom. He is held strictly under the supervision of the police. They know beforehand that he is coming, and they have photographs of his appearance. He is bound to report his arrival in the police district where he means to reside, and he cannot move thence without police permission, and even with that he is only passed on to another police district. With all this his demeanour is attentively observed: any suspicious conduct, such as habitually associating with improper characters, being without ostensible means of livelihood, being found in suspicious "situations," failing to report himself and his whereabouts at proper intervals—any of these may lead to the revocation of his licence and his return to the prison whence he came, there to remain till his old sentence is entirely expired.

These then are the three stages. First, separate confinement; secondly, hard labour on the public works; last of all, release with a ticket-of-leave. I have I trust explained the nature of each phase of treatment so as to be perfectly intelligible to the general reader; and I think it must be abundantly evident that the way of transgressors, now more than ever, is hard.

I have now brought—though, I fear, in but a desultory and incomplete fashion—the history of penal legislation down to our own times. I have tried to trace the suc-

cessive steps taken in this country to solve that most difficult of social problems—the satisfactory disposal of criminals. I have shown how prison reform began with Howard; how it was carried on at Millbank, the great national Penitentiary; and how it fared amid the changes and vicissitudes of the passing years. I have described how transportation was first adopted, how it flourished, and how it failed. I have endeavoured to explain how, piece by piece, bit by bit, the blocks which were amorphous and incongruous, have been hacked and hewed and hammered, till from them we have built up something of a symmetrical system—a system so far satisfactory that in ten years there has been no call for further change. When, in 1871, an international prison congress assembled in London, many of the philanthropists who came to us from abroad were not a little astonished to find we had any system at all. Each had come armed with the peculiar method of treatment his own country favoured, and each was eager to press it on our acceptance. Yet the actual fact was, all the measures recommended had been in some way or other tried by us already. So far from being without a system, we had probably experimented more than other people; and that which remained to us was just what we had found to be practically possible, and at the same time suited to our needs. Further improvement may still be required as occasion arises; but meanwhile, it is some consolation to know that our present system will stand the two principal tests by which such matters are commonly judged. The first of these is the inquiry how far it has succeeded in diminishing crime; the second, whether its working is economical and followed by positively remunerative results.

But it behoves us to be most cautious in adopting the first-mentioned test. No doubt the severity or mildness of penal treatment plays a certain part; but that part is constantly over-estimated, and we are apt to attribute to it results that are more properly traceable to other causes. It has been well pointed out by a writer who speaks with authority, that "The prosperity of a country, the facilities for getting a living honestly, the condition of education, moral and literary, the efficiency of the police —all contribute to affect the statistics of crime."* Nevertheless, on two important occasions—in 1830 and in 1862—it was shown that the prevalence of crime was undoubtedly in a measure due to the immunity enjoyed by offenders; and therefore our most modern system must not be robbed entirely of its contribution to bring about that diminution in crime which beyond question has become apparent in recent years. It would be unprofitable to seek to allot to each of the causes already enumerated its relative contribution to the general result attained; but it must be remarked that one, at least, of them is likely ere long to be much more widely operative. The future progress of education in this country under the late Acts may reasonably be expected to affect appreciably our criminal statistics. And this not alone from the increased enlightenment of the various candidates for prison, but because the would-be, or rather the possible, criminal will now be subjected to reformatory treatment at an age when he is susceptible of cure. I have adverted in an earlier page† to the great fundamental error which has hitherto underlaid all so-called systems by which the reformation of offenders has been

* Colonel Du Cane. † Vol. i. p. 207.

essayed. I have said that we have always commenced too late. It is far different when the same engines of education and persuasion are turned upon the young. It is through them that we should look to bring about a reduction of crime; because, by reforming them, and by teaching them that it is to their own manifest advantage to be honest, we shall probably check recruiting for the ranks of the "dangerous classes."

On the second test, however, of the value of our penal system, we are furnished with evidence that is far more tangible and satisfactory. The results obtained speak for themselves. We have been forced to keep our convicts at home, and we have made the most of the bargain. At the four principal stations where convict labour has been massed for years, the works executed by it will last long as monuments of the system which has called them into existence. At Portland the convicts have quarried in all 6,000,000 tons of stone, sufficient to construct a breakwater "nearly two miles in length, and running into water fifty or sixty feet deep;"* and they have built the principal part of the almost impregnable fortifications by which the island of Portland is defended. At Chatham and Portsmouth they have been engaged chiefly in large works for the extension of the dockyards. "The prisoners have been employed in excavating basins, and building the sea-wall and the dock walls, besides a vast quantity of preliminary work, such as demolishing the old fortifications at Portsmouth, and draining St. Mary's Island. The bricks used in these works have been made by convicts, to the number of 77,181,545 at Chatham alone, and the Portland stone for them has been raised and worked by the convicts at Port-

* Paper on Convict Labour, by Col. Du Cane.

land prison. The work at Portsmouth comprises excavations thirty feet deep below the mud surface of the harbour, and driving piles and sheeting by hand labour and by engine, the engine being attended to by prisoners. The dock walls, of concrete and brick-work, faced and laced with stone, have been formed by convicts, the bricks being made on the spot, and the stone supplied from Portland."* These several works are now on view, as I have said already. One, the Portland breakwater, is now completed; the others will be finished, too, within a few years more. Their value will then perhaps be fully appreciated.

But, quoting the same authority, "Work requiring a still higher degree and greater variety of skill has been done for the convict department, in the building of new prison accommodation, rendered necessary by the cessation of transportation. Within the last few years accommodation in cells for 1889 prisoners has been erected entirely by convict labour; and a number of accessory buildings, quarters for officers, and so on. The actual cost to the Government of buildings of this kind, has been about £93,000: the same work done by contract would have cost £165,000; showing a clear gain by convict labour of £75,000 in this comparatively small department of their labour. In these works the bricks have been made by prisoners, stone quarried and dressed, timbers sawn and wrought, and iron cast and forged from the raw state. One thing—almost the only one—we have for obvious reasons bought ready-made, and that is *the locks*."† These lines were penned in 1871; since then a further development has been made of convict labour in this direction. A new prison has been built at Borstal, in the neighbourhood of Rochester, with a view to the con-

* Paper on Convict Labour, by Col. Du Cane. † Ibid.

struction of the line of fortifications to protect Chatham dockyard, which were recommended by the Royal Commission in 1859; and the month of January of the present year (1875) saw the commencement of another prison near London, which is eventually to replace Millbank. The manner in which these two works are carried on are sufficiently remarkable—but in the latter case especially. Here, in close proximity to a large city, a number of convicts have been lodged almost in the open—in a temporary wooden building, that is to say, and surrounded by a temporary paling, without heavy chains or bars or massive locks, supervised only by a few warders, who serve both to direct their labour and, if needs be, to keep them in awe. But there is little need for that: the men are submissive, industrious, easily restrained. Such is the effect of a systematic stringent discipline kept up to a high pitch always by constant, watchful supervision. To this these prisoners in this state of semi-freedom cheerfully submit, not alone because they feel that authority is stronger than they are, but because they know they are treated with due consideration—though without weakness, with severity —yet with justice.

There are those who in spite of such valuable results are still disposed to find fault with our system. Some regret transportation because it had at least the merit of removing a mass of criminals permanently from this country; others hanker after perpetual solitary imprisonment. I would remind the former that transportation is hardly feasible now, for reasons already given—not the least important of which is its excessive costliness; besides which, with modern facilities for travelling, the permanency of the removal is by no means assured. Besides, if the State for

the public protection charges itself with the retention of a number of persons, it is surely the wiser and more practical plan to keep them and make them work for their living at home, instead of giving their labour gratis to far-off possessions, few of which are grateful, even if they do not indignantly reject the proffered boon. The latter objectors are, I think, blinded by their own superabundant goodness of heart. Their reiterated recommendations of the cellular system—of uninterrupted solitary confinement, that is to say—are based, first upon the *ignis fatuus* of prison reformation of character, and next, upon their dislike to our convict system, which they call a method of congregating together masses of criminals little less demoralizing than the oldest forms of association. In neither case, I apprehend, are they drawing just conclusions from premisses that are sound. Not only, as I have already tried to prove, is protracted cellular imprisonment impossible on account of its fatal consequences, but (I am quoting again from Colonel Du Cane) "perpetual seclusion in a cell for years, with no communication with his fellows, is (for a prisoner) an artificial state of existence so absolutely opposed to that which nature points out as the condition of mental, moral, and physical health, and so absolutely unlike that which he is prepared to follow on his discharge from prison, that it cannot be expected to fulfil the required object."* Moreover, that which these philanthropists are pleased to stigmatize as the "corrupting gang system," is but a partial association after all. The prisoners work together, it is true, and so gain the solace of companionship; but this privilege does

* An Account of Penal Servitude. Although, as I have said, the effect of penal systems in diminishing crime is problematical, it may be mentioned here that in Belgium, where the cellular system partly holds, recommittals to prison are at the rate of 78 per cent.

not extend to free, unrestricted intercourse with one another. At labour they are compelled to work in silence—not absolute of course, but at least protracted conversation is out of the question, and by the very character of the labour exacted there is little leisure for it. And when not thus at labour and under an officer's eye, they are alone, locked up in separate cells. Hence the contaminating influences cannot be said to be very largely operative.

Last of all, we must not lose sight of the fact that but for this congregate system the execution of large public works, such as have been described, would have been impossible. In no other way could prisons—whether government or local—be made so largely remunerative. There are county prisons which under judicious management nearly repay themselves. These are really large shops, wholesale and retail, and they enter into direct competition with trade, both in their immediate neighbourhood and elsewhere. In them, the sentences being short, and the imprisonment throughout cellular, the forms of employment are necessarily limited. "It is obvious that it must be such as can readily be acquired by unskilled persons, capable of being carried on in isolation, and not too easy, as prisoners should (when capable) be employed at hard labour. Work which can be performed well by machinery is not likely to pay." * Hence there is no great variety in the employments introduced into the county and borough prisons: they are chiefly such simple processes as grinding corn, weaving mats, carpets, woollen and linen stuffs, sawing wood, flax scutching, and so forth. To teach more elaborate trades would require more time, more ability on

* Paper on Convict Labour, by Col. Du Cane, read before Society of Arts, May 19, 1871.

the part of the learner than criminals commonly display, and it would, moreover, be costly from the waste of materials and the salaries of instructors. But when masses of men are brought together for long periods of time, subjected to the influence of the "mark system," * and their labour directed to works for which no special skill—beyond the exertion of natural strength—is required, most of these difficulties disappear. The question may yet arise whether it may not be advisable to bring the prison population more entirely under government control. This might be effected by gradually increasing the length of sentences, or by transforming two years' imprisonment into a short term of penal servitude. This might reduce the numbers in many county prisons, whereby some of the smaller prisons would probably be emptied altogether. But local rates would be reduced too, *pari passu*, and for the increased burthen laid upon imperial funds there would be some distinctly substantial return.

For there is really no limit to the works to which convict labour may be applied if the principle of concentrating them in numbers more or less large be admitted and observed. First in importance come the construction of extensive breakwaters and fortifications, similar to those we have obtained already by the same means; after them come the reclamation of waste moorlands, and the protection of our coasts from the encroachment of the sea. Farming operations can be carried on easily, and with a fair show of remunerative return, provided only that good land be taken up for the purpose. And with all this it must not be forgotten, that whatever may be its propor-

* See ante, p. 279.

tionate value when compared to free labour, that performed by convicts is at least certain. It is not subject to fluctuations, nor "strikes"; nor is it likely to be scamped, or imperfectly done, so as to increase the profits of sharp dealing contractors.

What may yet be accomplished by convict labour must be left to the future to show. As I have endeavoured throughout this book to deal only with facts and to leave speculation on one side, I will not embark on any field of conjecture in this, the last sentence of my last page.

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